

**Shoring Up the Non-Proliferation Regime:
An analysis of the diplomatic strategies for dealing with
nuclear non-compliance**

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Kate Michelle Farrell

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Table of Contents

ABSTRACT	V
LIST OF ABBREVIATIONS	VI
CHAPTER ONE: INTRODUCTION	1
Non-compliance and the Non-Proliferation Regime	7
Methodology	11
Outline	12
CHAPTER TWO: THEORETICAL FRAMEWORK	13
Regional Security Complex Theory: the role of the region and security in the international relations	13
Security defined	14
RSCT: fundamental assumptions	16
Constructivist elements	21
Northeast Asia	23
The Middle East	24
Conclusion	25
CHAPTER THREE: Lessons Learned in Nuclear Diplomacy: trials for non-compliance negotiations	27
Iraq	27
Libya	32
Ukraine	36
The first Korean nuclear crisis and the 1994 Agreed Framework	40
Conclusions: what have we learned?	44
CHAPTER FOUR: Regional Multilateralism and the 2009 Breakdown of the Six-Party Talks	47
Background: North Korea's Nuclear Programme and the Six-Party Talks	48
What was responsible for the 2009 Breakdown of the 6PT?	52
North Korea-US Relations	52
North Korea: regime survival	55
US leadership and motivations	57
Fundamental lack of trust	59
China's mediation role	60
The regional approach: hindrance or help?	65
Conclusions	69
CHAPTER FIVE: Six Party Talks: Lessons Learned and Opportunities for Engagement with Iran	71
Non-compliance in Iran: calculated clandestine nuclear development?	72

The domestic political environment	75
The international political environment	77
Strategic calculations:	84
Economic incentives	86
Conclusion	86
CHAPTER SIX: Theoretical Analysis: Regional Security Complex Theory and Non-Compliance	
Diplomacy in North Korea and Iran	89
Northeast Asia: RSCT and the Six-Party Talks.....	90
The Middle East	95
Domestic Level	96
State-to-State and Regional Level	96
Global level	98
Conclusion	100
CONCLUSION: Prospects for Compliance Diplomacy, Shoring up the Non-Proliferation Regime	102
Summary of findings	102
Policy implications	107
Regional approach to non-compliance.....	107
Multilateral diplomacy.....	108
The domestic security dilemma	109
Open/non-confrontational dialogue	110
Economic incentives	112
The role of the superpower; bilateral relationship, possibilities and strengths.....	112
Multilateral dialogue to deal with Iran.....	113
Global change in psyche	114
Further research	115
Conclusion	117
REFERENCE LIST:.....	118

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ABSTRACT

This thesis aims to determine the most effective ways to deal with nuclear non-compliance using diplomacy at regional and multilateral levels. Recent exposure of clandestine and dual-use nuclear weapons developments has revealed the need for diplomatic engagement in cases of extreme non-compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Due to the anarchic structure of the international system there is limited international authority to enforce treaty compliance or to deal with clandestine nuclear activities. This thesis takes an approach that seeks to deal with the problem of illicit nuclear development, while working towards an international security structure that has decreased reliability on nuclear weapons. Taking the lessons learned from past cases will inform current challenges to the non-proliferation regime and work towards a uniform approach while the regime is in a transition phase. This thesis applies Regional Security Complex Theory (RSCT) to explain international security interactions from a regional perspective and to rationalise nuclear diplomacy. RSCT helps establish what levels within the international security structure motivate illicit nuclear development and what level is then most appropriate in dealing with such actions. To establish the parameters of debate, this research examines past diplomatic strategies to resolve cases where states failed to adhere to international obligations in the first nuclear crisis with the Democratic People's Republic of Korea (North Korea), Iraq, Libya and Ukraine. This research then considers the factors that contributed to the 2009 breakdown of the Six-Party Talks – the strategy employed to deal with the second North Korea nuclear crisis from 2003. This exploration allows us to discern where multilateral diplomacy experiences obstacles and to then evaluate the possibilities for multilateral engagement for the Islamic Republic of Iran (Iran). Lessons learned in these cases provide understanding of the factors that exacerbate and mitigate compliance negotiations. This research gives insight into the possibilities for and limitations of regional and multilateral diplomacy to deal with Iran's illicit nuclear developments and future non-compliance crises.

LIST OF ABBREVIATIONS

6PT	Six Party Talks
AP	Additional Protocol
CBM	Confidence-building measures
CSA	Comprehensive Safeguards Agreement
EU	European Union
IAEA	International Atomic Energy Agency
LWR	Light water reactor
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NNWS	Non-nuclear weapons state
NSDD	North-South Denuclearisation Declaration
NWS	Nuclear weapons state
RSC	Regional Security Complex
RSCT	Regional Security Complex Theory
UNSC	United Nations Security Council

CHAPTER ONE: INTRODUCTION

“We seem to have reached a crossroads. Before us lie two very divergent courses. One path can take us to a world, in which the proliferation of nuclear weapons is restricted and reversed, through trust, dialogue and negotiated agreement, with international guarantees ensuring the supply of nuclear fuel for peaceful purposes, thereby advancing development and economic well-being. The other path leads to a world, in which a rapidly growing numbers of States feel obliged to arm themselves with nuclear weapons, and in which non-State actors acquire the means to carry out nuclear terrorism. The international community seems almost to be sleepwalking down the latter path -- not by conscious choice, but rather through miscalculation, sterile debate and the paralysis of multilateral mechanisms for confidence-building and conflict-resolution.”

- former United Nations Secretary-General Kofi Annan¹

The international community has faced considerable challenges upholding the principles of non-proliferation in the past 20 years. The nuclear non-proliferation regime has managed to thwart mass horizontal and vertical nuclear developments but is by no means foolproof; it is still significantly threatened by states that engage in illicit development of these weapons and by non-state actors engaged in proliferation activities. This thesis adopts an approach that seeks to deal with the problem of illicit nuclear development, while working towards an international security structure that has decreased reliability on nuclear weapons. Taking the lessons learned from past cases will inform current challenges to the non-proliferation regime. In addition, this thesis will make the case that multilateral diplomacy, with a regional focus, is the most preferred response to non-compliance and dealing with cases of illicit nuclear development.

¹ Kofi A. Annan, "Nuclear Non-Proliferation Treaty Faces Crisis of Compliance," in *Address to University of Tokyo* (Tokyo: 18 May 2006)

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the non-proliferation regime. It is based on three pillars – nuclear energy, non-proliferation and disarmament. From this foundation, the non-proliferation regime is built on a framework of treaties, conventions and agreements that regulate the production, supply, use and disposal of nuclear material. Compliance with the norms and institutions of the non-proliferation regime is critical to preventing the spread of nuclear weapons. This thesis will inform efforts to counter non-compliance and deal with cases of illicit nuclear development where the legal framework has failed.

There is a growing divide between those that hold firmly to the principles of non-proliferation and those who see nuclear weapons as the key to power and prestige in the international system. Clandestine nuclear weapons development threatens to destabilise the regime and increases the threat of mass weaponisation and the potential for nuclear terrorism. There are 50 states with weapons-usable uranium stockpiles, which makes adherence to international obligations critical to prevent uncontrolled proliferation.² Despite these challenges there is a newfound energy within the non-proliferation regime to reengage with the founding principles of the NPT. This energy has come in part as a response to the Obama Administration's willingness to move toward disarmament; the push for multilateral engagement with states that seek advanced nuclear capabilities has never been more important.³

² David Albright and Kimberly Kramer, "Global Stocks of Nuclear Explosive Material," *ISIS Reports* (2005), <http://isis-online.org/isis-reports/detail/global-stocks-of-nuclear-explosive-materials/>.

³ For example, see Barack Obama, "Remarks by President Barack Obama" (Hradcany Square, Prague, Czech Republic: 5 April 2009). And the White House, "Fact Sheet on the United Nations Security Council Summit on Nuclear Nonproliferation and Nuclear Disarmament Unsc Resolution 1887," ed. Office of the Press Secretary (Washington D.C.: 2009). David G. Kimball, "Don't Stop with Start," *Proliferation Analysis* December 3 (2009), <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=24254>.

This thesis aims to determine the most effective ways to deal with nuclear non-compliance using diplomacy at regional and multilateral levels. To do this it considers four main questions:

1. What can we learn from past diplomatic engagement combat nuclear compliance crises?
2. What were the main factors that contributed to the 2009 breakdown of the Six-Party Talks?
3. What does this tell us about the possibilities for multilateral engagement with the Islamic Republic of Iran (Iran) and diplomatic efforts to deal with Iran's illicit nuclear development?
4. Is there a place for regional approaches to non-compliance diplomacy?

To establish the parameters of debate this thesis begins by exploring the strategies used in Iraq, Libya, the first nuclear crisis with the Democratic People's Republic of Korea (North Korea), and Ukraine where international diplomacy was employed to deal with illicit nuclear development and acquisition of nuclear weapons. As these cases contrast in their execution and outcomes they provide insight into the obstacles negotiated, which rollback faces, as well as the strategies that are effective. This research then considers the Six Party Talks (6PT) – as the multilateral response mechanism to North Korea's nuclear development – and the factors that contributed to the 2009 breakdown in the process. This exploration allows us to discern where multilateral diplomacy experiences obstacles to success and consequently areas to watch during the process. This research takes the lessons learned in these cases to provide insight into the areas that exacerbate and mitigate negotiations and consequently possibilities for engagement to resolve the Iranian nuclear crisis.

The 6PT convened regional and global powers to reach a diplomatic solution to North Korea's nuclearisation. The geographical orientation of the participants prompts questions to what a

regional approach has to offer. This thesis employs Barry Buzan and Ole Waever's Regional Security Complex Theory (RSCT) to explain the benefits to, and potential for, regional approaches to non-compliance diplomacy. In their pioneering work, *Regions and Powers*, Buzan and Waever argue that the world has naturally developed into regions that can be mapped through securitisation and desecuritisation process. From this point the authors assert that states can be categorised into regional security complexes (RSC) which, by the most basic definition, are "a set of units whose major processes of securitisation and desecuritisation or both are so interlinked that their security problems cannot reasonably be analysed or resolved apart from one another".⁴ Chapter Two provides a full overview of RSCT, and a discussion in relation to Northeast Asia and the 6PT and the Middle East and Iran is covered in Chapter Six.

Legal framework

The legal framework prohibiting clandestine nuclear activities and weapons development rests within Articles II and III of the NPT. Article II clearly states that development of nuclear weapons through technology and acquisition of materials for weapons purposes is prohibited: "Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly."⁵ Article III outlines the safeguards system that states are required to fulfil: "*preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices*."⁶ Herein lay the foundations of international obligations that aim to prevent horizontal proliferation, with

⁴ Barry Buzan and Ole Waever, *Regions and Powers* (Cambridge: Cambridge University Press, 2003)

⁵ "Treaty on the Non-Proliferation of Nuclear Weapons," 5 March 1970, <http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc140.pdf>

⁶ Ibid.

particular reference to safeguards as the primary method of verifying the peaceful uses and non-diversion of nuclear material by the non-nuclear weapons states (NNWS).

Article VI deals with vertical proliferation and implores the States Party to refrain from nuclear weapons development. Article VI states: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”⁷ It is necessary to note that in discussing non-compliance, many consider that the failure of the nuclear weapons states (NWS) to disarm is a violation of Article VI and thus non-compliance also. Although this rhetoric is valid, for the purpose of this research when discussing non-compliance this paper will be expressly referring to the actions of states that engage in illicit nuclear activities or a weapons programme, in defiance of NPT obligations. This in no way suggests that the NWS can continue to ignore their obligations. This is an issue of contention that many of the NNWS cite as a reason for their mistrust and one-sided guidance of the regime. Moreover, it is evident to the NNWS that there is an entrenched double-standard in the non-proliferation regime, which has a significant impact on their perceptions of the ongoing practicality of the NPT.

The Comprehensive Safeguards Agreement (CSA) is agreed to between the International Atomic Energy Agency (IAEA) and an individual state. The CSA is a requirement of the NPT and obliges the state to adhere to terms and conditions that include safeguarding all sources of special fissionable material and all peaceful nuclear activities within its territory and jurisdiction or

⁷ Ibid.

carried out under its control anywhere.⁸ This means of verification provides assurance that such materials and technologies are used solely for peaceful purposes and not diverted to the production of nuclear weapons, or other nuclear explosive devices.⁹ A rigid system of safeguards is the most effective preventative tool at the Agency's disposal.

Building on the CSA, the Additional Protocol (AP) boosts the safeguards framework but is a voluntary measure. Applying to states that have a CSA or Small Quantities Protocol in place, the state consents (by signing the AP) to full-scope IAEA verification procedures and regulations to further strengthen global nuclear non-proliferation. The AP includes extended access to a wider range of information and sites, including: short-notice inspections of all buildings on a nuclear site; collection of samples from sites beyond those declared by the state; information on the state's entire nuclear fuel cycle; and information about the manufacture and export of sensitive nuclear-related technologies. As Mohamed ElBaradei argues, "verification is as effective as you allow it to be".¹⁰ However, many states, particularly those in the Non-Aligned Movement (NAM), are resisting the AP. It is seen as an encroachment on sovereignty when all States Party have an 'inalienable right' to nuclear technology – when the NWS are seen to be in violation of Article VI, NNWS question why they should be subject to an additional burden.¹¹

⁸ International Atomic Energy Agency, "The Safeguards System of the International Atomic Energy Agency," http://www.iaea.org/OurWork/SV/Safeguards/safeg_system.pdf.

⁹ Ibid.

¹⁰ Mohamed ElBaradei, "Peace Forum: Nuclear Non-Proliferation " (Washington DC, Carnegie Endowment for International Peace, 7 November 2005)

¹¹ James Martin Center for Nonproliferation Studies, "Perceptions of Key Contentions Issues for the NPT: Safeguards and Standardising the Additional Protocol," http://www.nti.org/h_learnmore/npttutorial/chapter06_02.html. The Non-Aligned Movement, "Substantive Issues Working Paper" (paper presented at the Main committee II of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, May 2 2005).

These agreements, in conjunction with the NPT, are the foundations of the non-proliferation regime and only effective if complied with. Although prevention is the ultimate goal, history has taught us that it cannot always be relied on. Non-compliance can refer to a whole host of activities, from state failure to comply with its safeguards obligations, to the covert development of a nuclear weapons programme. This research deals with the more serious cases of non-compliance – cases that have resulted in nuclear breakout (as in the case of North Korea) or repeated safeguards violations and deliberate deception (as in the case of Iran).

Non-compliance and the Non-Proliferation Regime

Non-compliance is one of the most prominent threats to the non-proliferation regime and must therefore be handled in a way that ensures not only the survival of the regime but, as importantly, its viability.¹² As it stands, only four states are not party to the NPT,¹³ making the treaty near universal, and critical to survival of the non-proliferation norm. Activities that have challenged the regime in the past include states operating outside the NPT seen in South Africa; the inheritance of nuclear weapons stationed in territories such as Belarus, Kazakhstan and Ukraine after the dissolution of the Soviet Union; and failure to comply with Treaty obligations, in Egypt, Iraq, Iran, Romania and North and South Korea. Diplomatic successes in instances of nuclear defiance have resulted in suspending nuclear weapons programmes and reverting to NNWS-status, and persuading states outside the NPT to join and rollback their nuclear programmes.

¹² For further discussion on challenges facing the non-proliferation regime see David Cortright, "Overcoming Nuclear Dangers," (November 2007), www.stanleyfoundation.org. Pierre Goldschmidt, "Rule of Law, Politics and Nuclear Proliferation," Carnegie Endowment for International Peace, www.carnegieendowment.org/publicatons/index.cfm?fa. Goldschmidt, "Priority Steps to Strengthen the Nonproliferation Regime," *Carnegie Endowment for International Peace Policy Outlook* February (2007). Stephen M. Meyer, *The Dynamics of Nuclear Proliferation* (Chicago: The University of Chicago Press, 1984). John Simpson, "Core Non-Proliferation Regime Problems: Non-Compliance and Universality," (A Briefing Seminar: Programme for Promoting Nuclear Non-Proliferation and Center for Nonproliferation Studies, Monterey, 2002). William Walker, "Nuclear Enlightenment and Counter-Enlightenment," *International Affairs* 83, no. 3 (2007).

¹³ India, Pakistan, Israel and the Democratic People's Republic of Korea.

Although the latter is not conventional non-compliance, it is important to acknowledge the process and implications of these efforts, as they enhance the viability of the system and contribute to experience in nuclear diplomacy.

History has taught us it is necessary to address compliance issues as some states cannot be relied on to abide by international obligations and have leaned towards weapons development in the past. The international community needs to be prepared in the event of covert nuclear weapons development to pursue diplomacy to bring states back from brinkmanship. This is essential to preserve the integrity of the regime and ensure that nuclear weapons do not continue to be the defining asset of the international system.

Enforcement

The question of how to enforce compliance is problematic. The United Nations is founded on principals of sovereignty and non-intervention, and consequently, within limitations, states are free to do as they please. International law, however, requires states to adhere in good faith to treaty principles – a principle that must be enforced if international law will have any standing. Sanctions and statements of condemnation are routinely used as punishment for failure to comply with international obligations. These instruments are used to coerce the offending state into compliance, and subsequently adhere to the norms of the international system. Due to the severe nature of possible consequences, addressing non-compliance involves a process of diplomatic engagement with the offending state aimed at reaching an outcome that is acceptable to all parties involved in negotiations. How to approach compliance concerns is a contentious issue that in practice has tested the stability of the non-proliferation regime and emphasised the

deep ideological divisions among NPT members over how to deal with third-party non-compliance.¹⁴ This issue has come to the fore in the past decade with North Korea's clandestine weapons development and subsequent tests, and again since the questions to the full extent of Iran's nuclear aspirations have been raised. The fissures exposed by these events are as deep as they are complex, and threaten to destroy the foundations of cooperation and universality of the NPT.¹⁵

Due to the anarchic structure of the international system there is no international authority to enforce treaty compliance or punish violators. The IAEA has limited capacity for dealing with non-compliance – the procedure is as follows: once failure to comply has been identified the issue is referred to the Board of Governors, which can then be passed to the United Nations Security Council (UNSC). As a result, extreme cases of non-compliance have been dealt with on an *ad hoc* basis, with varying levels of success. There is no set formula for diplomatic engagement but lessons can be learned from past actions to ensure the outcome leads to cooperation and adherence to international obligations not the introduction of another nuclear-armed state to the international system.¹⁶

¹⁴ Tanya Ogilvie-White, "International Responses to Iranian Nuclear Defiance: The Non-Aligned Movement and the Issue of Non-Compliance," *European Journal of International Law* 18, no. 3 (2007).

¹⁵ Ibid.

¹⁶ For further discussion on compliance, arms control and international law, see Chayes and Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Massachusetts: Harvard University Press, 1995), Julie Dahlitz, ed., *Future Legal Restraints on Arms Proliferation*, vol. 3, Arms Control and Disarmament Law (New York, Geneva: United Nations, 1996). D. Shelton, ed., *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System* (Oxford: Oxford University Press, 2000). Marianne van Leeuwen, *The Future of the International Nuclear Non-Proliferation Regime*, ed. Netherlands Institute of International Relations (Dordrecht: Martinus Nijhoff Publishers, 1995). Joseph S. Nye, *Nuclear Ethics* (London: Collier Macmillan, 1986).

Some key policy analysts argue that dealing with non-compliance crises on an ad hoc basis threatens to destabilise the regime as almost as much as the act themselves. Pierre Goldschmidt convincingly advocates a universal, generic resolution to deal with nuclear noncompliance.

Goldschmidt asserts:

“The most effective, unbiased, and feasible way to establish a legal basis for the necessary verification measures in circumstances of non-compliance is for the United Nations Security Council (UNSC) to adopt (under Chapter VII of the UN Charter) a generic (i.e. not state specific) and legally binding resolution stating that if a state is reported by the IAEA to be in non-compliance, a standard set of actions would result.”¹⁷

In a Carnegie Endowment study, Perkovich et al. also advocate a generic resolution noting:

“Attempting to stem nuclear proliferation crisis by crisis – Iraq, to North Korea, to Iran, et cetera – ultimately invites defeat. As each deal is cut, it sets a new expectation for the next proliferator.”¹⁸ Joseph Cirincione incorporates this view but argues for a more ‘step-by step’ approach: “while the specifics and politics vary from country to country, a comprehensive, multidimensional approach is needed for all the threats we face from new nations acquiring nuclear weapons”.¹⁹ The current systems in place are inadequate, that much is clear. A generic resolution renders many of the concerns of a double standard obsolete but only in regards to responses to compliance crises. This thesis takes an approach that seeks to deal with the problem at hand while working towards an international security structure that has decreased reliability on nuclear weapons. Taking the lessons learned from past cases will inform current challenges to the non-proliferation regime and work towards a uniform approach while the regime is in a transition phase.

¹⁷ Goldschmidt, "Priority Steps to Strengthen the Nonproliferation Regime."

¹⁸ Jessica T. Mathews George Perkovich, Joseph Cirincione and Rose Gottemoeller, "Universal Compliance: A Strategy for Nuclear Security" (Washington DC: Carnegie Endowment for International Peace, 2007).

¹⁹ Joseph Cirincione, *Bomb Scare: The History and Future of Nuclear Weapons* (New York: Columbia University Press, 2007).

Methodology

This study employs a qualitative approach to determine the key factors that contributed to the 2009 breakdown of the 6PT in the context of non-compliance leading to the advent of a new nuclear weapons state. Using these factors as a 'watch list', this thesis then considers the options for nuclear diplomacy towards Iran's illicit nuclear activities. RSCT is then employed to reveal options for a regional multilateral approach by looking at the dominant levels of security interaction in each case and what this means for successful engagement.

The case study approach is appropriate for testing theories when the researcher wants to establish the relative importance of contributing conditions that lead to a phenomenon, or to establish the fundamental importance of a case.²⁰ Qualitative research aims to give deeper understanding to a particular case rather than generalising results characteristic of quantitative studies.²¹ North Korea and Iran were chosen as the primary case studies, as the outcome of both cases will significantly impact the non-proliferation regime and international security structure. Moreover, the cases have followed similar patterns of defiance. As a result the North Korea case can provide insight into the dynamics of nuclear diplomacy and inform engaging parties of problem areas so that the same mistakes are not repeated.

Studies chronicling the North Korea and Iranian nuclear crises vary from explaining diplomatic process, analysing events and explaining outcomes. Such research provides valuable insight into nuclear diplomacy and the status of the non-proliferation regime. Moreover non-compliance

²⁰ Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca, New York: Cornell University Press, 1997).

²¹ Ibid.

research aids understanding of the motivations for illicit weapons development and the obstacles that rollback faces – this is important in understanding dynamics that apply to non-proliferation, disarmament and nuclear energy expansion. This research offers insight to nuclear diplomacy and the capacity of the international community to preserve the principles of disarmament, non-proliferation and energy access of the NPT. A nuclear-weapons-free world may be difficult to reach in the foreseeable future, but using diplomatic tools to thwart the spread of this technology reaffirms the ideals of human security within the state system. This research is useful as it reveals some of the key issues that exacerbate non-compliance diplomacy and as a result identifies areas that could potentially assist international efforts to resolve compliance crises.

Outline

Chapter Two outlines the principles and levels of analysis of Regional Security Complex Theory. Chapter Three explores past cases of non-compliance that have employed negotiated response mechanisms. It begins with Iraq as an example of worst-case outcome, then explores Libya, Ukraine and North Korea (1992-94) as examples of successful multilateral engagement. Chapter Four examines the second North Korea nuclear crisis from 2000, the 6PT as the response mechanism and the factors that contributed to the 2009 breakdown in the process. Chapter Five takes the lessons from the 6PT to determine what factors exacerbate and what factors mitigate multilateral nuclear diplomacy and where these can inform engagement with Iran. Chapter Six applies RSCT to explain the contributing factors in the 2009 breakdown of the 6PT, the possibilities for a multilateral response to Iran, and what level is dominant in Iran's security calculations. This will be followed by policy recommendations and conclusions in the final chapter.

CHAPTER TWO: THEORETICAL FRAMEWORK

Regional Security Complex Theory: the role of the region and security in the international relations

“A number of regions throughout the world are subject to tension and violent conflict. The politics and economics of these areas are complex and fundamental to future solutions. Regional arms races and technical developments can radically alter regional dynamics and can contribute to either exacerbation or mitigation of discord. Regional approaches are usually the most appropriate responses for resolving such conflicts.”²²

The post-Cold War era has seen considerable growth in regional organisations and initiatives to approach international political, economic and security threats. Taking place at both track one and track two levels, regional response mechanisms generate inter-state cooperation and open dialogue and provide a foundation for working towards the collective good in an effort to overcome threats to national, regional and international security.

Development of a region-based security network is facilitated by two main factors: the decline in superpower rivalry and the growth of ‘lite’ powers.²³ The decline in superpower rivalry reduces the omnipresent quality of global power interests in the rest of the world; states are able to define security according to specific needs and the immediate environment without complications that arise with ‘superpower overlay’.

²² United Nations Institute for Disarmament Research, "Regional Security," http://www.unidir.org/html/en/regional_security.html.

²³ Buzan and Waever, *Regions and Powers*

The architects of Regional Security Complex Theory (RSCT) posit that the security systems of states are so intertwined they have to be studied together, and that regional security features are resilient as they directly affect the immediate situation of the states involved.²⁴ Buzan and Waever define the Regional Security Complex (RSC) as “a set of units whose major processes of securitisation, desecuritisation, or both, are so interlinked that their security problems cannot reasonably be analysed or resolved apart from the other”.²⁵ Securitisation is the term for state security actions in response to a perceived threat. On the other hand, desecuritisation processes deal with actions that no longer call on “exceptional measures to deal with threats”.²⁶ Securitisation and desecuritisation are important concepts as they operate under the assumption that security issues are not independent “but are created by the interaction of external conditions and people (individuals and groups) who respond to them”.²⁷

Security defined

The concept of security needs to be clarified in order to differentiate the dynamics explored within RSCT. This thesis employs the definition of security set forth by Morgan: “Security affairs principally concern the maintenance, use, and management of capacities to either inflict or to defend against violence, especially war, and by extension, the conduct of political

²⁴ For additional discussion RSCT and regional security structures see Barry Buzan, “New Patterns of Global Security in the Twenty-First Century,” *International Affairs* 67, no. 3 (1991). Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, 2nd ed. (Hemel Hempstead: Harvester Wheatsheaf, 1991). Barry Buzan, “From International System to International Society: Structural Realism and Regime Theory Meet the English School,” *International Organisation* 47, no. 3 (1993). Ole Waever Barry Buzan, and Jaan de Wilde, *Security: A New Framework for Analysis* (London: Lynne Rienner Publishers Inc., 1998).

²⁵ Buzan and Waever, *Regions and Powers*.

²⁶ Ibid.

²⁷ Rajesh M. Basrur, “Decentralizing Theory: Regional International Politics,” *International Studies* 43, no. 4 (2006).

relationships that can readily lead to war.”²⁸ Therefore, where RSCT explains state security processes at a regional level, Buzan and Waever establish a tool to analyse states’ responses to the above aspects of security. To expand on this definition, it is important also to clarify that security refers to physical safety, maintained by the resources needed to cope with military and political threats.²⁹

States can use domestic dynamics within the wider global agenda to moderate regional security concerns. Integration at this level is a valid form of diplomacy in itself, as Schiff and Winters have argued.³⁰ This approach gives weight to the local dynamics of security and forces evaluation of how global and local dynamics interact with each other.

This research will apply RSCT to assess and explain regional security dynamics surrounding illicit nuclear development and prospects for diplomatic resolutions. It will approach the wider issue of non-compliance by taking the key assumptions of RSCT as a basis for the argument that security issues should be addressed in terms of regional security complexes, promoting cooperation and joint security initiatives, endorsing the region as the primary level for security calculations.

This chapter will consider the fundamental assumptions of RSCT through discussion on Buzan and Waevers’ structure of the international system. It will then outline the four levels of analysis

²⁸ P. Morgan, "Regional Security Complexes and Regional Orders," in *Regional Orders: Building Security in a New World* (University Park: Pennsylvania State University Press, 1997), p.22.

²⁹ Ibid.

³⁰ M. Schiff and A. Winters, "Regional Integration as Diplomacy," *The World Bank Economic Review* 12, no. 2 (May 1998).

in RSCT. Next, this chapter will consider the various models of the regional security complex followed by consideration of constructivist elements that influence RSCT.

RSCT: fundamental assumptions

The structure of international security: the three-tiered structure of international security

RSCT predicts that most security concerns are territorially based and thus grouped geographically to ensure the maintenance of stable security in and surrounding the state(s) in question.³¹ Forming the sub-structure of the international system, the RSC is comprised of patterns of amity and enmity that function as sub-global patterns of security interdependence. *Regions and Powers* emphasises that local RSCs are often characterised by historical factors or common cultural practice.³² Therefore, an RSC can form out of interactions between the anarchic structure, balance-of-power consequences and other pressures that result from close geographical proximity. Buzan and Waever establish RSCs as the preeminent security structure prescribing to the following equation:

“Anarchy + distance effect + geographical diversity = pattern of regionally-based clusters”³³

According to the formula, if region-based security occurs naturally in the international system, the development of security measures at this level will benefit diplomatic resolutions to non-compliance crises.

RSCT structures international society using three tiers – superpowers, great powers and regional powers. These powers are defined as such by their capabilities and geopolitical interactions

³¹ Buzan and Waever, *Regions and Powers*.

³² Morgan, "Regional Security Complexes and Regional Orders." p.45

³³ Buzan and Waever, *Regions and Powers*. p.46

regionally and internationally.³⁴ In the current security climate, the structure of international society equates to “1+4+regions” (one superpower, the US, four great powers, China, Russia, and regions).³⁵

Superpowers are characterised through wide-ranging capabilities, military-political power, self-perception and acceptance, and must be able to project this power across the whole of the international system.³⁶ The superpower must also be active in processes of securitisation and desecuritisation in across regions, possessing ‘universal values’ necessary to underpin international society.³⁷ Superpowers also have the potential to infiltrate regional security practices and become a significant player. This occurs during superpower overlay (discussed below) and through penetration. Penetration is less intrusive than superpower overlay and occurs when the superpower is involved in regional security processes but not to the extent that it inhibits formation of a RSC.³⁸ As it stands the US is the only superpower active in global security dynamics. Many argue however that the unipolar system will be challenged in the near future by rising global powers such as China, the European Union (EU) and India.³⁹

The second tier is great, or global, powers. Nolte interprets global powers as: “The status of great power requires material resources as well as the formal recognition of this status by other great

³⁴ Ibid., p.34-37.

³⁵ Ibid., p.54.

³⁶ Ibid., p.34.

³⁷ Ibid., p. 32-37.

³⁸ Ibid.

³⁹ For a discussion on the changing international security structure see John J. Mearsheimer, *Tragedy of Great Power Politics* (New York: W. W. Norton, 2001). Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996). Ashley Tallis and Michael Wills, ed., *Strategic Asia 2006-07: Trade, Interdependence and Security* (National Bureau of Asian Research, 2006).

powers".⁴⁰ Hence, they must be involved, at least in rhetoric, in security process outside their immediate region.⁴¹

The third tier, regional powers, is important in the structure of an RSC as they will shape distribution of power. In terms of capabilities, regional powers are visible within the region but not necessarily at the global level; interaction with other powers centre around the securitisation processes of a particular region.⁴²

RSCT levels of analysis:

Within the three-tier structure, there are four key levels of analysis to RSCT that equate to the 'security constellation' of the international system: domestic factors, state-to-state relations, inter-regional interaction, and the interplay between regional and global security structures.⁴³

First, domestic factors involve internal vulnerabilities, determining whether the state is strong or weak due to the stability of domestic order.⁴⁴ The unique vulnerabilities of each state are central to its security fears and can make structural threats to power distribution even if there are no hostile intentions.⁴⁵ Domestic dynamics are important as they spillover into neighbouring states and consequently impact the dynamics of the RSC.

⁴⁰ Detlef Nolte, "How to Compare Regional Powers: Analytical Concepts and Research Topics" (paper presented at the ECPR Joint Session of Workshops, Helsinki, 7-12 May 2007).

⁴¹ Buzan and Waever, *Regions and Powers*.

⁴² Ibid., p.35.

⁴³ Ibid., p.52.

⁴⁴ Ibid., p.51.

⁴⁵ Structural threats are those that compromise the status quo and disrupt the balance-of-power conflicting discourse, ethnic roots or government regimes.

Second is state-to-state relations.⁴⁶ State-to-state relations define the context and dialogue within which states and regions act and contribute to securitisation in the area. This is particularly important to this research as inter-state dialogue at this level can have a significant impact on cooperative diplomacy.

Third, inter-regional engagement is a critical feature in defining international securitisation.⁴⁷ Internal dynamics of the region impact security cooperation, but the inter-regional level provides a basis for overall global security. The input that global and superpowers can have at each level of securitisation makes inter-regional cooperation an important level of analysis within nuclear diplomacy.

The final level of analysis considers the role of global powers by combining regional and global security structures.⁴⁸ The role of global powers is important, as they transcend both the regional and international levels and dramatically affect the dynamics of both. These four levels of analysis make up the 'security constellation' that forms the international security system. As argued by Nourzhanov, these dimensions are "capable of producing a dynamic and comprehensive picture of regional security."⁴⁹

Models of regional security complex

Once qualified, four models of RSC can occur: standard, centred, great powers and super-complexes. First, the Standard RSC is based on sovereign equality and territoriality – it

⁴⁶ Buzan and Waever, *Regions and Powers* p.51

⁴⁷ Ibid., p.51.

⁴⁸ Ibid., p.51.

⁴⁹ Kirill Nourzhanov, "Changing Security Threat Perceptions in Central Asia," *Australian Journal of International Affairs* 63, no. 1 (2009).

comprises two or more powers with a predominately military-political agenda.⁵⁰ Divisions in a Standard RSC are defined by regional powers and as a result there is a clear distinction between regional and global dynamics. The central component of security dynamics here is the interaction between the powers in the region; it shapes interactions of the region at large.⁵¹

Next, the Centred RSC is defined by the notion that the security processes of a region are controlled from a centre located within it. Buzan and Waever put forward three classifications for the Centred RSC; great power, superpower and institutional integration.⁵² Great power and superpower RSCs are unipolar. The former includes the expectation that there is at least one global level power within the bounds of the regional security dynamics, and the latter asserts that where a superpower is acting within the region, the superpower will overshadow it.⁵³ This is important for this research as global and superpowers tend to become active in major threats to international security. Thus this level will become dominant, limiting the potential for a region-level response to non-compliance. In addition, the role of the superpower is particularly important to nuclear diplomacy as new nuclear-armed states significantly disrupt the international balance of power. This will be discussed further in subsequent chapters.

The final Centred RSC results in institutional integration, a structure that occurs when there is no overt domination of a single power.⁵⁴ The EU is the only real-world example of institutional integration to date, and should it amalgamate so far as to adopt permanent common foreign and security policy, it has the potential to act as a single entity.

⁵⁰ Buzan and Waever, *Regions and Powers*, p.55

⁵¹ Ibid., p.55.

⁵² Ibid., p.55.

⁵³ Ibid., p.55.

⁵⁴ Ibid., p.56.

The dynamics in the third type of RSC are determined by great powers: “[I]n a great power RSC, the polarity of the region is defined by more than one global level power being contained within in it... their dynamics directly affect balancing calculations at the global level in ways that one would not expect from a standard RSC”.⁵⁵ This suggests spillover into neighbouring regions and increased interregional interaction due to power projection.⁵⁶ Asia is the key example here, as China and Japan are active at the sub-regional level, within the wider complex, and contribute to global security dynamics. The role of the great power RSC is pertinent to this research and will be discussed further in relation Northeast Asia and the 6PT.

“Overlay” and unstructured regions are the two main situations in which security complexes do not form. “Overlay” occurs where the superpower interests come to dominate a region so intensely that the local pattern of security relations cease.⁵⁷ Superpower overlay is important for this research as it has a major impact on nuclear security dynamics. In the current security climate, there is the potential for overlay where there is over-emphasis on the US role in a region’s security.

Constructivist elements

Although RSCT is firmly embedded in realist notions of the international security and is active at the national, regional and international levels, Buzan and Waever adopt elements of constructivism to further elucidate grounds for cooperation – a factor that compliments this study

⁵⁵ Ibid., p.59.

⁵⁶ Ibid., p.60.

⁵⁷ Ibid., p.61.

on nuclear diplomacy. Constructivist theory was built to fill the void in explaining cooperative action by international actors that the traditional meta-theories were not able to achieve.

Constructivist theorist Alexander Wendt argues that in terms of security and survival, “anarchy is what states make of it”.⁵⁸ Contradictory to realist thinking, concern for survival is not purely a given result of anarchy. The constructivist argues that states create their own security dilemmas and competitions by acting in a certain way with one another. The collective understanding of norms and interaction thus promote the construction of common action and alliances between states in respect to a particular issue.⁵⁹ This is important to this research, as nuclear non-compliance shows how states create a security dilemma and alter the status quo. Although this sociological approach is seemingly removed from RSCT in principle, constructivism complements understanding the role of state identity and interest in security cooperation beyond that of the military-political motivations prevalent in Buzan and Waever’s security constellations.⁶⁰

In his review of RSCT Rajesh Basrur argues that the main weakness of RSCT is “its failure to explain the simultaneous existence of cooperation and conflict, of anarchy and interdependence, in international politics today, and the dynamics created by the tension between them”.⁶¹ This has some standing based on the state-centric view of RSCT. However, Chapter Six will show that cooperation and conflict are not mutually exclusive when applying RSCT, rather that the presence of both can be explained through the structure of the theory.

⁵⁸ Alexander Wendt, "Anarchy is What States Make of It," *International Organisation* 46, no. 2 (1992).

⁵⁹ Ibid.

⁶⁰ Tuva Kahrs, "Regional Security Complex Theory and Chinese Policy Towards North Korea," *East Asia* Winter 2004.

⁶¹ Rajesh M. Basrur, "Decentralizing Theory: Regional International Politics."

Northeast Asia

Northeast Asia is a subcomplex to the East Asia RSC but a great-power security complex when analysed separately. Although Buzan and Waever would argue that North and Southeast Asia are more a supercomplex that sometimes act independently in security practices, for the purposes of this research, disconnecting Northeast Asia from the rest of the region on the basis of amities and enmities in the proliferation debate better explains the security dynamics of the 6PT. Northeast Asia grew as a great-power complex from the traditional regional powers, China, Japan and Korea, and has remained independent from an increasingly westernised world.⁶² Within the region, China and Japan are global powers, as they have capability and potential to contribute to securitisation processes at a global level and are accepted by others in rhetoric as doing so. US presence introduces the superpower element, which further highlights the impact the region has on global security structures.

Northeast Asia is largely defined by its global-level interactions as they significantly impact the region's securitisation and international stability – further testament to its classification as a great-power security complex.⁶³ However, the region level is still significant: “there is a distinct and long standing regional structure in East Asia that is of at least equal importance to the global level in shaping the region's security dynamics.”⁶⁴ The nuclear standoff with North Korea is a pertinent example of how international and global-level security considerations combine at the regional level. The issue and outcome had significant spillover enticing involvement of super-

⁶² Muthiah Alagappa, ed., *Asian Security Practice: Material and Ideational Influences* (Stanford, California: Stanford University Press, 1998).

⁶³ Kahrs, "Regional Security Complex Theory and Chinese Policy Towards North Korea." p. 68.

⁶⁴ Barry Buzan, "Security Architecture in Asia: The Interplay of Regional and Global Levels," *The Pacific Review* 16, no. 2 (2003).

global and regional powers in the 6PT. How the dynamics of great-power security complex helps explain the factors that contributed to the 2009 breakdown in the 6PT and will be examined further in Chapter Six.

The Middle East

The security dynamics in the Middle East RSC are at best contentious. Exposure to inter-state wars, internal conflicts, and colonisation and decolonisation processes has left little room for regional cooperation. As a whole the region is heterogeneous on most counts – the Middle Eastern states must build security agendas among a sea of authoritarian, theocratic, democratic, monarchist regimes. Common political beliefs are not widespread within the region making collaborative, intra-regional relations few and far between. Similarly, religious and ethnic divides run deep with the region dominated by Arabs, Islamists, and Jewish Israel.⁶⁵ Buzan and Waever assert that “without common cultural bonds, it is quite unlikely that the national security concerns of a collection of small and medium-sized powers with members as geographically far apart as Morocco and Oman would ever have cohered into a single pattern of security interdependence”.⁶⁶ It was these religious and ethnic allegiances that allowed security agendas to become mutual concern over such large distances. However, as Coskun argues, “in the Middle East security complex, interdependencies do not imply cooperation... Alliances and cooperation,

⁶⁵ For discussions on religious divides in the Middle East, see Dale F. Eickelman, *The Middle East: An Anthropological Approach*, Prentice-Hall Series in Anthropology (Englewood Cliffs, N.J.: Prentice-Hall, 1981). Marina Ottaway, "Diplomacy in the Middle East: Arab Allies Push Their Own Agendas," *Harvard International Review* (Fall 2008). H. Chambers, "Modern History and Politics – the Middle East: A Beginner's Guide," *The Middle East Journal* 64, no. 1 (2010).

⁶⁶ Buzan and Waever, *Regions and Powers*. p.188

when they occur, shape and reshape themselves across areas of conflict where institutional cooperation such as regional security regimes has remained limited".⁶⁷

By Buzan and Waever's definition the Middle East RSC is made up of three subcomplexes; the Gulf, Levant and Maghreb.⁶⁸ The Gulf⁶⁹ and Levant⁷⁰ are divided as such because of historical conflict and present patterns of amity and enmity between states. The Maghreb⁷¹ is on the outside as a result of security processes that have drawn these states towards the Middle East rather than Africa.⁷² In his examination of arms control and security in the Middle East, Steinburg asserts that long-term stability in the region "will require the development of a security regime that should include Egypt, Syria, Jordan, Iraq and Saudi Arabia... and with respect to long-range, non-conventional weapons... Algeria and Iran."⁷³ From this brief introduction it is clear that regional dynamics in the Middle East are exceptionally complicated and will have a significant impact on the prospects for nuclear diplomacy.

Conclusion

This chapter provides the framework for further analysis of diplomatic processes used in dealing with nuclear non-compliance. Outlining the structure of the international system and models of regional security complexes provides a platform to do this. The regional dynamics of Northeast

⁶⁷ Bezen Valamir Coskun, "Regionalism and Securitization: The Case of the Middle East," in *Beyond Regionalism?: Regional Cooperation, Regionalism and Regionalization in the Middle East*, ed. Cilja Harders and Matteo Legrenzi (Hampshire: Ashgate Publishing Company, 2008).

⁶⁸ Buzan and Waever, *Regions and Powers*. p.186

⁶⁹ The Gulf subcomplex corners on the rivalry between Iran, Iraq, and the Gulf Arab states (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates and Yemen), headed by Saudi Arabia.

⁷⁰ The Levant is defined as the core subcomplex as security of the region is highly dependent on relations between Israel and its Arab neighbours. The subcomplex includes Israel, Jordan, Lebanon, Palestine and Syria and considers non-state actors – PLO, Hamas, Hezbollah.

⁷¹ Algeria, Egypt, Libya, Morocco and Tunisia.

⁷² Buzan and Waever, *Regions and Powers*.

⁷³ Gerald Steinburg, "Middle East Arms Control and Regional Security," *Survival* 36, no. 1 (1994). p.126.

Asia and the Middle East will be examined further in relation to the case studies to determine whether regional security can lead to cooperative diplomatic engagement with particular reference to the nuclear issue.

In the post-Cold War era, the region has become the focus of international politics and cooperation. In establishing this framework it is clear that 'the region' in the international system is perhaps the most significant level of analysis. The constructivist element of RSCT is relevant as it goes beyond the geography and considers politics at a deeper level and looks at actions that create security dilemmas.

CHAPTER THREE:

Lessons Learned in Nuclear Diplomacy: trials for non-compliance negotiations

Diplomatic efforts to combat non-compliance and curb proliferation of nuclear weapons and technologies have been dealt with on *ad hoc* basis. Negotiated settlements in Libya, Iraq, North Korea and Ukraine were trying experiments for nuclear diplomacy. Each took a different approach with different results – Iraq and North Korea are examples of defiant behaviour and broken promises respectively, whereas Libya and Ukraine show the ability for success in countering proliferation through diplomacy.

This chapter will begin with an example of failed diplomacy, the process of sanctions and unilateral action leading to war in Iraq. Following this is an assessment of the secret negotiations to disengage Libya's clandestine weapons programme. It shows how international actors can cooperate and find consensus in efforts to thwart the spread of nuclear weapons. This chapter will then examine negotiations from Ukraine's chance weaponisation – although long and tortuous, all parties arrived at agreement for the betterment of regional security and the non-proliferation regime. Finally, this chapter will consider the 1994 Agreed Framework and the preceding negotiations to illustrate how two-way negotiations can lead to agreement.

Iraq

The Iraq case is a prime example of how failure to cooperate can lead to escalation of tension and ultimately to war. Motivation for weapons development in Iraq grew primarily in response to a perceived Israeli programme, along with the impact of regional strategic concerns with

Iran.⁷⁴ Over the next twenty years, Iraq continued down the nuclear road, despite having ratified the NPT in 1969.⁷⁵ To do this, Iraqi leadership sought a medium-sized research reactor (under its small civilian programme) to enhance its indigenous enrichment capabilities and plutonium production.⁷⁶ All movements towards developing weapons capability were carried out in secret. There were, however, references to a weapons programme. For example, Saddam Hussein told Lebanese news magazine *Al-Usbu-al-Arabi* that agreement with the French would “be the first concrete step toward the production of the Arabic atomic weapon” and that Iraq needed help in obtaining nuclear weapons to counter Israel’s nuclear arsenal”.⁷⁷

Although Hussein was in the process of acquiring weapons technology, it was not until the Iraqi invasion of Kuwait, and the subsequent Gulf War, that he sought nuclear weapons as the ultimate assurance of security. Etel Solingen concludes that regional security concerns and US threats drove motivated leadership to pursue the nuclear option – “the nature of Saddam’s regime [a renaissance] was the main driver of nuclearization.”⁷⁸ Saddam ordered a ‘crash program’ to extract enough fissile material for a bomb that could be used against invading coalition forces or other objecting parties in the Middle East.⁷⁹ Ambition for power and regime survival will be seen again in Chapter Four as part of the motivation for Kim Jong-II’s ongoing weapons production.

⁷⁴ James Martin Center for Nonproliferation Studies, “Iraq: Nuclear, Biological, Chemical, and Missile Capabilities and Programs,” <http://cns.mii.edu/wmdme/iraq.htm>.

⁷⁵ James Martin Center for Nonproliferation Studies, “NTI: Country Overviews: Iraq: Nuclear Overview,” http://www.nti.org/e_research/profiles/Iraq/Nuclear/index.html.

⁷⁶ Nuclear Threat Initiative, “Iraq: Nuclear Overview,” www.nti.org/e_research/profiles/Iraq/Nuclear/index.html.

⁷⁷ R. Nau Henry, “Conservative Internationalism,” *Policy Review*, no. 150 (2008).

⁷⁸ Etel Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East*, ed. G. John Ikenberry and Marc Trachtenberg, Princeton Studies in International History and Politics (Princeton, NJ: Princeton University Press, 2007).

⁷⁹ Nuclear Threat Initiative, “Iraq: Nuclear Overview,”

http://www.nti.org/e_research/profiles/Iraq/Nuclear/index.html. James Martin Center for Nonproliferation Studies, “Iraq: Nuclear, Biological, Chemical, and Missile Capabilities and Programs.”

At the end of the Gulf War in 1991 the full extent of Iraqi nuclear ambitions were exposed. Defectors leaked information on capabilities and future ambitions, with hope that the international collective would be able to disarm the regime. Although the true objectives of Hussein and his government were unknown, the Iraqi weapons programme had already begun to deteriorate due to coalition bombing efforts.⁸⁰

UNSC resolutions and sanctions were the first mechanism of response in Iraq. Following Security Council Resolution 687, Iraqi authorities played a game of 'cat and mouse' with officials and IAEA inspectors. As stated by David Albright, who spent time with IAEA inspectors in Iraq, "Even as Iraq was agreeing, under the terms of Resolution 687, to disclose its nuclear programme and bring it to an end, it was developing a broad strategy for hiding evidence of this programme and misleading UN inspectors about it".⁸¹ Defectors Kamil and Hamza confirmed Saddam's calculated nuclear defiance, and following Kamil's defection, the Iraqi leader ordered all WMD related documents to be destroyed.⁸²

Further testament to Saddam's defiant behaviour and intentions for nuclear weapons development was the revelation that he had planted Iraqi intelligence officials in the IAEA through Baghdad's mission to Vienna. Hamza explained that the intelligence gathering within the IAEA gave those officials the knowledge of how to steer the authorities away from clandestine nuclear facilities and developments: "IAEA inspectors were carefully escorted along pre-designated paths that did not expose the new buildings in Tuwaitha. Questions by inquisitive

⁸⁰ James Martin Center for Nonproliferation Studies, "Nti: Country Overviews: Iraq: Nuclear Overview."

⁸¹ David Albright, "The Masters of Deception," *The Bulletin of the Atomic Scientists* 54, no. 3 (1998).

⁸² Khidir Hamza, "Inside Saddam's Secret Nuclear Program," *Bulletin of the Atomic Scientists* 54, no. 5 (1998), as cited in Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East*, p.151.

inspectors were answered carefully to avoid revealing new information”.⁸³ This behaviour was consistent until 1998 when Iraq suspended cooperation with UNMOVIC and the IAEA – a move that further isolated the authorities and led to increased frustration on the part of the international community. The IAEA did not resume inspections until 2002 following Security Council Resolution 1441.⁸⁴

Failure of Iraqi authorities to cooperate during the first round of inspections in the 1990s and its calculated misperception of the IAEA led many in the international community and the UN to question the validity of ElBaradei’s 2003 report that “[a]fter three months of intrusive inspections, we have to date found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq.”⁸⁵ This sentiment, although focused on worst-case scenarios, is echoed by IISS Director John Chipman in a press conference on the Strategic Dossier; he stated that “Iraq made every effort to obscure its past, obstruct dismantlement of its present assets, and retain capabilities for the future” and that “the UNSCOM experience demonstrates that no on-site inspections of Iraq’s WMD programmes can succeed unless inspectors develop an imaginative and carefully coordinated counter-concealment strategy.”⁸⁶

The ‘to and fro’ diplomacy that Iraq adopted during international efforts to complete inspections and subsequent disarmament of Iraq had a negative impact on its relationships with the international community and the UNSC in particular. There was little trust that Saddam

⁸³ As cited in Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East*, p.150.

⁸⁴ United Nations Security Council, “Resolution 1441” (paper presented at the United Nations Security Council, New York, 8 November 2002).

⁸⁵ Mohamed ElBaradei, “The Status of Nuclear Inspections in Iraq: An Update,” in *United Nations Security Council* (New York: 2003).

⁸⁶ John Chipman, “Iraq’s Weapons of Mass Destruction: A Net Assessment,” in *An IISS Strategic Dossier* (Arundel House, London: 9 September 2002).

Hussein's supposed efforts to comply from 2002 were plausible. Iraq's deception with nuclear compliance regulations backfired – in September 2002, following Iraq's continued decline of weapons inspection proposals, US President George W. Bush told the United Nations that "it must rid the world of Saddam's biological, chemical and nuclear arsenals or stand aside as the United States acts".⁸⁷ Four days later, Iraq claimed it would allow the unconditional return of UN weapons inspectors to Iraq and grant them unrestricted access. It is clear that the threat made by Bush impacted Saddam's decision to comply with his obligations, but not sustained cooperation.⁸⁸

Following the US invasion in 2003, however, IAEA inspectors did not find any nuclear weapons or other weapons of mass destruction.⁸⁹ Saddam had sent many of his scientists and technologies out of Iraq, ready to return if conditions were favourable. Failure of Security Council resolutions to make significant headway in the Iraq case questions the validity of the United Nations' authority and the ability to resolve compliance issues using international-level response. The 2003 invasion of Iraq shows how failure to be transparent can lead to a worst-case scenario – the initiation of war. It is arguable that given the regional drivers of Iraq's nuclear developments, attempting to deal with the regional security environment and ongoing enmities among neighbours, the international community may have had the opportunity to reduce motivations for weapons development.

⁸⁷ George W. Bush, "President Bush Outlines Iraqi Threat," <http://georgewbush-whitehouse.archives.gov/news/releases/2002/10/20021007-8.html>.

⁸⁸ William Walker, "Weapons of Mass Destruction and International Order," in *Aldelphi Paper 370* (Oxford, New York: International Institute for Strategic Studies, 2004).

⁸⁹ Mohamed ElBaradei, "Introductory Statement to the Board of Governors " (paper presented at the IAEA Board of Governors, Vienna, 2003).

Libya

The Libya case is an example of how, although a state may be in defiance of obligations, cooperative and willing negotiating partners can make constructive and lasting agreements. After signing the NPT in 1968 and ratifying it in 1975, Libya concluded a safeguards agreement becoming subject to the full scope of NPT obligations. Under Gaddafi, however, Libya sought weapons capability in direct defiance of its international obligations. With Libya's shock confession in 2003, the international community finally became aware of the extent of its weapons programme.

Why exactly did Libya disarm? The post-9/11 world opened an opportunity for Libya to capitalise on the insecurities of the western world. It was the optimal time for Gaddafi to form alliances with his Western counterparts fearful of subsequent terror attacks involving WMD; aware of over-dependence on Saudi oil supplies; and a fast growing Western appreciation for allies amongst secular Arab regimes in the war on terrorism and in particular against Al Qaeda.⁹⁰

Wyn Bowen concludes that Libya's decision to abandon its nuclear project was "the direct result of secret negotiations conducted by the governments of Britain, Libya and the United States".⁹¹ Negotiations began before exposure of Tripoli's nuclear endeavours in 1999; after decades in isolation the Gaddafi regime was ready to assimilate back into international society. Once dialogue was open and in progression, Libyan officials then provided British and US officers with documentation and additional details of Libya's chemical, biological, nuclear and ballistic

⁹⁰ Tanya Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya," Final Draft (forthcoming, 2009). p.16.

⁹¹ Wyn Bowen, "Libya and Nuclear Proliferation: Stepping Back from the Brink," *Adelphi Paper 380* (2006). p.47.

missile activities.⁹² Additional to this information from Tripoli, London and Washington had uncovered intelligence linking Gaddafi to A.Q Kahn's black market network, which they had been monitoring since 2000.⁹³

During negotiations the Blair and Bush administrations continued to publicly advocate the ongoing unilateral and multilateral sanctions on Libya.⁹⁴ When talks resumed in 2001, partly due to the terrorist attacks of September 11, negotiations progressed, and the Britain and US parties agreed that UN sanctions would be permanently removed if Security Council Resolutions 748 and 883⁹⁵ related to the Lockerbie incident were fulfilled.⁹⁶

The most important factors in the success of nuclear rollback in Libya were: growing international pressures; declining support for terrorism and cooperation over Lockerbie; Pan-Africanism versus Pan-Arabism; and domestic reforms.⁹⁷ These reasons do not disregard the situational factors such as interception of the *BBC China* carrying Libya's illicit nuclear cargo and the demonstration effect of the Iraq war as contributory to the disarmament negotiations; however, Bowen rightly asserts that these often overshadow Gaddafi's critical motivators.⁹⁸

During negotiations, Gaddafi sought to alter international perceptions of his leadership and regime by strengthening ties with his African counterparts in parallel with increasing withdrawal

⁹² Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya." p.14.

⁹³ Bowen, "Libya and Nuclear Proliferation: Stepping Back from the Brink," p.66.

⁹⁴ Ibid.

⁹⁵ United Nations Security Council, "Resolution 748," (1992), <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/011/07/IMG/NR001107.pdf?OpenElement>

United Nations Security Council, "Resolution 883 - Libyan Arab Jamahiriya," *S/RES/883* (1993), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/626/78/PDF/N9362678.pdf?OpenElement>.

⁹⁶ Bowen, "Libya and Nuclear Proliferation: Stepping Back from the Brink"

⁹⁷ Ibid.

⁹⁸ Ibid.

from the Arab world.⁹⁹ Disengagement with Arab politics bolstered trust with the western world; Libya was out of the region where it was linked to terrorism and away from the nations that many in the west, but most importantly the US, had continuing problems with.¹⁰⁰ It became a state worthy of negotiating with.

In addition, domestic reforms were a vital factor in rollback. When UN sanctions were suspended, Gaddafi had no more excuses for the country's economic problems and had the task of changing the psyche of the Libyan citizens.¹⁰¹ In an attempt to curb criticism Gaddafi framed the issue by criticising Libya's systems of government and thus taking focus away from himself; the Libyan leader announced that "the county's long experimentation with socialism and state planning had failed and that the public the public sector was to be dismantled and the economy liberalised".¹⁰² This was arguably the most important factor in Libya's decision to disarm, as it created a domestic environment favourable to Libya's 'internationalisation' as a result of denuclearisation. (Domestic stability will become an important issue in Chapters Four and Five in relation to the North Korea and Iran cases.)

Although the negotiations were based on mutual respect and cooperative behaviour, during the disarmament negotiations Libya did not suspend its nuclear programme but rather accelerated it.¹⁰³ Gaddafi (as with the other nuclear aspirants in this and Chapter Four) perceived this as his most persuasive bargaining chip. Interception of the ship carrying Pakistani-designed centrifuge

⁹⁹ Ibid.

¹⁰⁰ Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya."

¹⁰¹ M. Braut-Hegghammer, "Libya's Nuclear Turnaround: Perspectives from Tripoli," *The Middle East Journal* 62, no. 1 (2008).

¹⁰² Bowen, "Libya and Nuclear Proliferation: Stepping Back from the Brink." p.58.

¹⁰³ Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya" p.14.

parts was timely, making it clear to all parties that a quick resolution of the WMD issue was critical.¹⁰⁴ Following this incident, the final round of secret negotiations was requested only days before the US-led invasion of Iraq. Aware that this invasion was justified by Saddam Hussein's WMD programme, Gaddafi was uneasy with the close proximity, not only of the state in a conflict situation, but of the similarities between the two: an isolated leader of an oil-rich nation with a significant WMD programme under impending military invasion.

In the final round of negotiations in December 2003 all three parties agreed that Libya would renounce all nuclear and chemical weapons programmes in return for cessation of US sanctions. In addition to this, Gaddafi was also required to publically announce the existence of Tripoli's weapons programme and subsequent disarmament.¹⁰⁵ It is important to note that following the successful negotiation of agreement, the nature of the dismantlement process echoed that of the negotiations: it was cooperative, non-confrontational and made up of equal partners. As Bowen notes, the terminology used by all participants was an essential factor in determining this: disarmament of the Libyan WMD programme was to be monitored through 'verification' rather than 'inspections' – a great disparity to the confrontational approach used by the IAEA and UNSCOM in Iraq and during the second North Korean nuclear crisis.¹⁰⁶

International and domestic political conditions favoured nuclear rollback in Libya. The regime was trying to integrate itself back into international society, at the regional and international level, and acquiescence to international norms of non-proliferation through denuclearisation of

¹⁰⁴ James Martin Center for Nonproliferation Studies, "Libya Profile," Nuclear Threat Initiative, http://www.nti.org/e_research/profiles/Libya/Nuclear/index.html.

¹⁰⁵ Bruce W. Jentleson and Christopher A. Whytock, "Who 'Won' Libya? The Force-Diplomacy Debate and its Implications for Theory and Policy," *International Security* 30, no. 3 (2005).

¹⁰⁶ Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya".

an illicit weapons programme gave the regime the opportunity to do so.¹⁰⁷ Cooperative and willing leadership set a precedent for negotiated efforts at dealing with states engaged in activities outside of their international obligations.

Ukraine

The dissolution of the Soviet Union was problematic for the non-proliferation regime as nuclear arsenals belonging to the USSR were stationed in now-independent states. Belarus, Kazakhstan and Ukraine were the focus of the international community as they effectively became nuclear weapons states overnight, but did not have the training, means or expertise to deal with an aging arsenal. Three years of trilateral negotiations between Russia, Ukraine and the US resulted in a disarmament agreement that saw Ukraine become a NNWS under the NPT.

Ukraine immediately became owner of the world's third largest strategic nuclear weapons arsenal overnight. Although upon independence Ukraine's leaders vowed neutrality and that it would not 'accept, produce or purchase nuclear weapons', the power of the bargaining chip was realised and a nuclear Ukraine a genuine possibility.¹⁰⁸ On 11 December 1992 the Ukrainian Ministry of Foreign Affairs issued a memorandum outlining its new nuclear policy: Ukraine

¹⁰⁷ For additional discussion on Libya's nuclear rollback, see Jack Boureston, "Verifying Libya's Nuclear Disarmament," in *Trust and Verify* (The Verification Research, Training and Information Centre, 2004). Kerr Paul, "News Analysis: Libya's Disarmament: A Model for US Policy?," *Arms Control Today* 34, no. 5 (2004). Bahgat Gawdat, "Nonproliferation Success: The Libyan Model," *World Affairs* 168, no. 1 (2005). Braut-Hegghammer Målfrid, "Libya's Nuclear Turnaround: What Lies Beneath?," *RUSI Journal* 151, no. 6 (2006). T. Rothman, "A State's Choice: Nuclear Policy in a Changing World between Libya and North Korea," *Defense & Security Analysis* 23, no. 3 (2007).

¹⁰⁸ As cited in Dubinin Iuriy, "How Ukraine Became a Nuclear-Free State," *International Affairs* 50, no. 2 (2004). p.198.

chose to exercise the 'right of ownership of all components of nuclear warheads... stationed in its territory'.¹⁰⁹

Kiev's chance entry into the nuclear club was opportune as unfamiliar security dilemmas plagued the new nation. Notably the unstable relationship with Russia over ownership of the Black Sea Fleet was exacerbated by the new bargaining policy.¹¹⁰ Nuclear weapons became Kiev's diplomatic leverage, presenting Moscow and Washington with a list of demands including: legally binding security assurances; energy supplies, including provisions of highly-enriched uranium (HEU) for nuclear power production; and financial assistance to ease the burden associated with nuclear rollback.¹¹¹

Similar to what we will see in the 6PT, torturous negotiations were deadlocked for some time due to inflexibility from Kiev and Washington.¹¹² The Rada, fickle in their decision making, would rescind offers after negotiations advanced. Likewise, the Ukrainian representatives would request the other parties not to give publicity to statements of ownership, further supporting the argument that they did not want the 'rogue state' image but were aiming for the greatest possible benefits from renouncing ownership of the arsenal.¹¹³

¹⁰⁹ Ibid. p.202.

¹¹⁰ The Black Sea Fleet was considered integral to security needs, and there was considerable concern for the energy crisis which required 40 million tonnes of crude oil.

¹¹¹ Marco de Andreis and Francesco Calogero, *The Soviet Nuclear Weapon Legacy*, Sipri Research Report No. 10 (Oxford: Oxford University Press, 1995).

¹¹² Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya".

¹¹³ Ibid.

During the negotiations all parties were wary of the motivations of their counterparts.¹¹⁴ As a result, the process was plagued by staunch politics, which resulted in two years of complex bargaining and disarmament deadlock. During this period Ukrainian economic prospects weakened, and domestic political support for the hard-line approach with Russia and the US waned. Loss of domestic support is one of the major motivators for nuclear rollback.¹¹⁵

A shift in US policy ultimately opened dialogue and cooperation in mid-1993 with a visit to Kiev from US Ambassador Strobe Talbott.¹¹⁶ The policy shift that reignited diplomacy was determined by a willingness from all parties to adopt a strategic package that included measures to further Ukrainian disarmament, encourage economic and political reform and address basic security concerns. Ogilvie-White cites this major change in US policy as the result of differing ideologies on Ukraine possessing nuclear weapons; the Bush Senior Administration had viewed the issue as a proliferation problem where the Clinton administration viewed it as a nuclear security issue.¹¹⁷ As a result, a hard-line, pressure-filled approach was replaced with a flexible negotiating team that favoured a partnership and mediation, giving negotiations the boost they needed.

The Trilateral Statement was not aimed purely at disarmament efforts but outlined a broader strategic agreement that linked nuclear disarmament to economic assistance and security.¹¹⁸ The

¹¹⁴ Iuriy, "How Ukraine Became a Nuclear-Free State", and Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya".

¹¹⁵ Iuriy, "How Ukraine Became a Nuclear-Free State".

¹¹⁶ Sherman W. Garnett, "Ukraine's Decision to Join the NPT," *Arms Control Today* 25, no. 1 (1995).

¹¹⁷ Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya".

¹¹⁸ Garnett, "Ukraine's Decision to Join the NPT".

key provisions of the agreement were: Ukraine's commitment to eliminate all nuclear weapons from its territory and transfer them to Russia for dismantlement; Ukraine would receive compensation for HEU with low enriched uranium (LEU) for its energy programme; and specific security assurances from Britain, Russia and the United States, once it acceded to the NPT.¹¹⁹ Territorial recognition was a key factor in securing Ukraine's commitment, which incidentally removed the negative rhetoric between Kiev and Moscow to ease processes for transfer and inspection.

Disarmament in Ukraine showed that where nuclear negotiations are deadlocked, a slight shift in policy can lead to an attitudinal change, giving new life to the initiative. The partnership approach adopted by the US was the clear turning point during the process, building confidence within the Ukrainian leadership to constructively reengage with Russia, and allowed for the breakthrough at Massandra.¹²⁰ Taking on the mediation role, the US flexed its diplomatic muscles in a way that forced the European negotiators to meet when crisis loomed and introduced threats to promote cooperation.¹²¹ As a result, with the Trilateral Statement, ratification of START and the NPT, negotiations for nuclear rollback in Ukraine were successful.

¹¹⁹ Bowen, "Libya and Nuclear Proliferation: Stepping Back from the Brink".

¹²⁰ Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya".

¹²¹ When the Ukrainian parliament voted against the Massandra Agreement President Clinton announced that NATO would exclude Ukraine from the Partnership for Peace, and when Russia considered retaliation, the US urged face-to-face meetings, avoiding mixed messages and rollback from either side.

For additional discussion on Ukraine's denuclearisation, see Dunbar Lockwood, "Ukraine to Join Start and NPT; All Tactical Nukes Removed," *Arms Control Today* 22, no. 4 (1992). Mitchell Reiss, "Nuclear Rollback Decisions: Future Lessons?," *Arms Control Today* 25, no. 6 (1995). Anonymous, "Ukraine Eliminates Last of Its Strategic Bombers," *Arms Control Today* 31, no. 5 (2001). Bragin Mikhail, "The Ukrainian Marathon," *International Affairs* 52, no. 1 (2006). the Monterey Institute of International Studies and the Carnegie Endowment for International Peace, "Nuclear Successor States of the Soviet Union: Status Report on Nuclear Weapons, Fissile Material and Export Controls" (1998).

An important question must be considered here: why would Russia agree to concessions for disarmament when it was aware that the weapons could not be operated autonomously without the launch codes that they retained? Similarly, why was Ukraine so quick to relinquish a hold on the world's third largest nuclear stockpile? Ogilvie-White concludes that it was in part due to US diplomatic pressure and partly due to an awareness that the arsenal in Ukrainian territory was deteriorating and poorly secured.¹²² Ukrainian authorities did not have the funds or the expertise to secure the weapons store to an appropriate level; it was consequently becoming a liability.

Throughout these negotiations, the US was not afraid to use its diplomatic might to reach an agreement without threat of a new nuclear state. US mediation drove both Moscow and Kiev to actively participate in negotiations and reach a positive outcome. The effect of regional security guarantees from Russia and forging diplomatic ties with the US created a strategic environment favourable to nuclear rollback. It is clear in the Ukraine case that security concerns stemming from potential regional hostilities was the primary concern. Combined with economic incentives, Ukraine was prepared to part with the highly valued bargaining chip.

The first Korean nuclear crisis and the 1994 Agreed Framework

In the 1980s the US detected construction of a new research reactor with potential for plutonium production at the Yongbyon Nuclear Research Centre in North Korea.¹²³ This discovery sparked the beginning of long and complicated disarmament diplomacy with the isolationist state.

Diplomatic efforts to deal with the first nuclear crisis on the Korean peninsula provide interesting insight to the success of international efforts to cooperate with the Kim regime on its nuclear

¹²² Ogilvie-White, "Negotiating Nuclear Rollback in North Korea: Lessons from Ukraine and Libya". p.16.

¹²³ International Institute for Strategic Studies, *North Korea's Weapons Programmes*, ed. Dr Gary Samore (New York: Palgrave MacMillan, 2003).

developments. Negotiations during this period contrast with the later 6PT but are also the foundation of the political history between North Korea and the US – a relationship that continues to play an active role in rollback of North Korea's nuclear weapons programme.

Signs of the troubled diplomacy to come began after North Korea signed the NPT and avoided a safeguards agreement. Pyongyang blamed the IAEA for supplying the wrong documentation – 18 months after the fact – and sent messages through Russia that reducing tensions with the US would facilitate concluding a safeguards agreement.¹²⁴ Concerned by North Korea's nuclear advances, President George H.W. Bush decided to improve the relationship with Pyongyang provided it fulfilled its NPT safeguards commitments and refrained from pursuing enrichment and reprocessing technology.¹²⁵ To build a cooperative relationship, Washington implemented a balanced policy promoting improved North–South Korean relations while continuing a strong military presence. Although this was a start, Pyongyang continued to take issue with the presence of US military on the peninsula. As we will see in Chapter Four, the North Korea–US relationship henceforth plagues nuclear negotiations. Although at this stage Pyongyang publicly denied having undeclared nuclear facilities, it proceeded with an indigenous enrichment programme.

In 1991 the Soviet Union attempted to weaken North Korea's strategic position by removing aid and political support, with the hope that this would push Pyongyang into nuclear negotiations. As planned, this created an opening for the US to approach the nuclear issue. The US promoted cooperation by announcing all tactical nuclear weapons would be withdrawn from overseas

¹²⁴ Ibid.

¹²⁵ Ibid.

locations, including South Korea.¹²⁶ This move lessened the US nuclear threat and provided a discussion point for Pyongyang and Seoul to declare the peninsula weapons free. These actions paved the way for the North–South Denuclearisation Declaration (NSDD).

Yet, cooperation in this instance was short-lived; over the next year, Pyongyang and Washington engaged in a ‘tit-for-tat’ relationship that originally aimed to conclude safeguards and end plutonium production in return for US security assurances.¹²⁷ The US offered to discontinue the Team Spirit exercise conditional on the conclusion of the IAEA agreement and inspection. Washington believed that this, in conjunction with the regional approach of the NSDD, would cover legal accountability and address the limits of the NPT in terms of reprocessing and enrichment.¹²⁸

The first round of negotiations followed themes of non-aggression and non-interference in return for accepting limits to the nuclear programme.¹²⁹ This suggests that security concerns are North Korea’s primary focus, which (as the next chapter will show) continued into the 21st century. Following this, engagement dealt with nuclear energy technology transfers, Team Spirit operations and continued US hostility.¹³⁰ Amidst the pressure however, the North–South dialogue turned highly confrontational. For example, the IAEA had lost monitoring ability, and Pyongyang announced its intent to unload 8000 spent fuel rods from the reactor with no

¹²⁶ David E. Rosenbaum, "US To Pull A-Bombs from South Korea," *New York Times* (October 20, 1991), <http://www.nytimes.com/1991/10/20/world/us-to-pull-a-bombs-from-south-korea.html?pagewanted=1>.

¹²⁷ For a chronology of diplomatic engagement and actions see "IAEA–North Korea: Nuclear Safeguards and Inspections 1991," http://cns.miis.edu/archive/country_north_korea/nuc/iaea91.htm.

¹²⁸ International Institute for Strategic Studies, *North Korea's Weapons Programmes*.

¹²⁹ Ibid.

¹³⁰ For an in-depth description of the negotiations see Ibid.

provisions for documentation.¹³¹ At the same time, Washington issued a unilateral statement: “The undertaking of the United States regarding Team Spirit 94 and a third round of US-DPRK talks are based on the premise that IAEA inspections will be fully implemented and the North–South nuclear dialogue will continue through the exchange of special envoys”¹³² This is an example of where diplomacy turned sour; all sides returned to a hard-line approach.¹³³

After three years of coercive diplomacy, a newly adopted ‘step-by-step’ approach with North Korea made a breakthrough. The new policy, suggested by Steven Fetter and proposed to Defence Secretary Les Aspin, was to “give priority to stopping further bomb making by North Korea before trying to determine how many bombs, if any, it may have.”¹³⁴ This allowed disarmament to become the focal point again and created space for negotiators to address the imminent threat of weapons production without being caught up in technicalities.

The Agreed Framework was settled following a trip by former US President Jimmy Carter to keep negotiations moving.¹³⁵ The framework covered a freeze on plutonium production and reprocessing, security assurances, transfer of a light water reactor (LWR), IAEA involvement and working towards a nuclear-free Korean peninsula.¹³⁶ Critics of the Agreed Framework felt it undermined the foundations of the NPT as it allowed North Korea to remain in violation of its safeguards agreement and retain a small amount of undeclared plutonium, potentially enough for

¹³¹ BBC News, "Timeline: N Korea Nuclear Stand-Off," <http://news.bbc.co.uk/2/hi/asia-pacific/2604437.stm>.

¹³² As quoted in Leon D. Sigal, *Disarming Strangers: Nuclear Diplomacy with North Korea* (Princeton, NJ: Princeton University Press, 1998).

¹³³ For a discussion on US policy considerations at the time see Richard P. Cronin, "North Korea's Nuclear Weapons Program: US Policy Options," in *CRS Report for Congress* (1994).

¹³⁴ Leon V. Sigal, "The North Korean Nuclear Crisis: Understanding the Failure of the 'Crime-and-Punishment' Strategy," *Arms Control Association* (1997), www.armscontrol.org/print/210.

¹³⁵ International Institute for Strategic Studies, *North Korea's Weapons Programmes*.

¹³⁶ Arms Control Association, "Agreed Framework between the United States of America and the Democratic People's Republic of Korea," <http://www.armscontrol.org/documents/af>.

two nuclear weapons. To supporters of the agreement, the safeguards compliance issue was an acceptable bargain in exchange for a freeze on plutonium production.¹³⁷ At this point in the North Korea nuclear saga, the agreement signalled success and bolstered the non-proliferation regime – the so-called ‘rogue’ nuclear state was now party to cooperation, and ideals of the regime.

This case shows the protracted problems plaguing nuclear diplomacy with North Korea. Regional security concerns and the Pyongyang–Washington relationship have significantly hampered efforts at denuclearisation and, as we will see in the next chapter, continue to do so. However, the Agreed Framework does show that there is opportunity for cooperation. Animosity from both sides weakened when the regional security environment was alleviated. For North Korea this happened when South Korea and the US reduced aggressive military action, and for the US this happened when there was willingness from North Korea to cooperate with South Korea. It is clear that regional security calculations have a major impact on negotiations surrounding North Korea’s nuclear compliance.

Conclusions: what have we learned?

The negotiation strategies employed in response to non-compliance crises in Iraq, Libya, Ukraine, and North Korea 1992–1994, provide lessons on how diplomatic strategies to deal with nuclear confrontation can be effective but also face significant challenges. Libya, North Korea and Ukraine are clear examples of how developing negotiations that are non-confrontational and built on mutual respect can promote cooperation and relationship building. Such action can lead to sustained (on the part of Libya and Ukraine) and successful rollback to compliance.

¹³⁷ The International Institute for Strategic Studies, *North Korea's Weapons Programmes*.

Negotiations with Libya began with rhetoric of mutual respect on account of Gaddafi's openness and instigation to resolve the nuclear issue. As disarmament deadlock plagued both the Ukrainian and North Korean cases, an attitudinal shift from the Russians and the US and the Clinton Administration, inspired cooperative behaviour from the aspiring nuclear states. In contrast, the Iraq case was approached with great prejudice and the Bush Administration treated the Iraqi camp as the 'other' which had to be punished for its actions. In terms of fostering ongoing dialogue and cooperation in compliance negotiations, approaching the issues with the goal of reaching a mutually beneficial outcome encourages cooperation. Moreover, negotiations were more successful when states took ownership of their actions and changed this attitude, rather than engaging in hostile responses to coercion.

Security assurances were also critical to all these cases. Libya, North Korea and Ukraine all sought security assurances from the key negotiating parties to ensure that renouncing weapons capability would not make the states vulnerable to attack from another state. In these cases, it was securing the region that took priority: Tripoli cementing ties with African counterparts; Pyongyang seeking to secure the US threat on the Korean peninsula; and Kiev guaranteeing autonomy from Russia yet the ability to protect itself in the new climate, a post-Soviet Eastern Europe.

The US has played a significant role in all of these cases, demonstrating that the role of the 'superpower' is particularly important. This will be examined further in Chapters Four, Five and Six in relation to the 6PT, Iran and RSCT. Whether it is as a negotiating party or a mediator, the

diplomatic might of the US has been a constant regardless of who is in power. The next chapter explores the 2009 breakdown of the 6PT, identifying contributing factors that exacerbated negotiations to resolve the nuclear crisis. These lessons, and those learned in this chapter, will then be applied to the Iranian case in Chapter Five, looking at the prospects for multilateral engagement aimed at compliance.

CHAPTER FOUR:

Regional Multilateralism and the 2009 Breakdown of the Six-Party Talks

Six years after withdrawing from the NPT, North Korea terminated its participation in the Six Party Talks (6PT) on 14 April 2009, stating: “We have no choice but to further strengthen our nuclear deterrent to cope with additional military threats by hostile forces”.¹³⁸ Just one month later on 25 May, the reclusive state announced it had conducted a second nuclear test.¹³⁹ These two closely related acts of defiance dealt a serious blow to six years of multilateral diplomacy, perpetuating the nuclear crisis on the peninsula.

Established in 2003, the primary objective of the 6PT has been to stop the progress of North Korea’s nuclear weapons development and denuclearise the Korean peninsula following Pyongyang’s withdrawal from the NPT on 10 January 2003. This was the rock-bottom of a period of deteriorating relations with its neighbours and the US – a second nuclear crisis had erupted on the peninsula. Since the first nuclear crisis (discussed in Chapter Three) there have been many attempts to engage the Kim regime on the nuclear issue: bilateral diplomacy with the US; high-level envoys, most notably former presidents Carter and Clinton, and the introduction of third parties; and alternative multilateral structures such as the five plus five. North Korea’s nuclear programme endured however, significantly threatening security in East Asia. Bilateral efforts between Pyongyang and Washington had failed to denuclearise North Korea in the past, and the Bush Jr. Administration had shown little interest in negotiating.¹⁴⁰ Moreover, there was

¹³⁸ As quoted in Evan Ramstad, “World News: North Korea Plans to Boycott Six-Party Talks,” *Wall Street Journal* 2009.

¹³⁹ Justin McCurry and Tania Branigan, “North Korea Tests Nuclear Weapon ‘as Powerful as Hiroshima Bomb’,” *Guardian.co.uk* (2009), <http://www.guardian.co.uk/world/2009/may/25/north-korea-hiroshima-nuclear-test>.

¹⁴⁰ Victor Cha and David Kang, *Nuclear North Korea: A Debate on Engagement Strategies* (New York: Columbia University Press, 2003).

little trust between the two states – failed agreements and defiant diplomacy on both sides in the final months of 2002 had left the relationship in worse condition than before the first nuclear crisis in the early 1990s. Despite this, Pyongyang was insistent that any engagement or negotiations had to involve Washington. With a sense of urgency to stop North Korean weapons development, China proposed a multilateral regional structure that accommodated Pyongyang's requirement and aimed to approach the issue as a neighbourhood problem.¹⁴¹ The first round of talks, held in Beijing in August 2003, convened representatives from China, Japan, North Korea, Russia, South Korea and the US. The meeting institutionalised the process and established a forum intended to foster cooperation and resolve regional security issues. This chapter will examine the factors that contributed to the 2009 breakdown of this process.

The first section of this chapter gives a brief background on North Korea's nuclear developments between 1994 and 2003 and the 6PT. Next, it explores what went wrong and identifies the key factors that contributed to the 2009 breakdown. The analysis will focus primarily on the North Korea–US bilateral relationship and politics of regime survival, confidence among the negotiating parties, China's efforts in mediation, and the dilemma of regionalism. The evidence presented in this chapter provides the foundations for the analysis in Chapter Five, indicating where the circumstances can be influenced to advance cooperation and maximise the benefits a regional approach offers.

Background: North Korea's Nuclear Programme and the Six-Party Talks

North Korea's nuclear development dates back to the 1960s, when Kim Il-Sung failed to persuade China's Communist regime to share nuclear secrets. In lieu of Chinese assistance,

¹⁴¹ John S. Park, "Inside Multilateralism: The Six Party Talks," *Washington Quarterly* 28, no. 4 (2005). p.2.

nuclear cooperation began with the Soviet Union.¹⁴² As discussed in Chapter Three, North Korea's illicit nuclear activities, as they are known today, began in the 1980s with the construction of the Yongbyon nuclear facility. Since this time, under both Kim Il-Sung and Kim Jong-Il, the reclusive state has been subject to international pressure to discontinue weapons development and develop their nuclear industry within the structures of the NPT and the non-proliferation regime as a whole.

Since the breakdown of the Agreed Framework¹⁴³ subsequent diplomatic engagement with North Korea from 1992–94 followed a 'to-and-fro' pattern of defiance and engagement, letting deadlines in the agreement on denuclearisation of the peninsula lapse, which ultimately unstuck the process in the late 1990s. Both North Korea and the US failed to honour the 1994 agreement, and subsequent cooperation on nuclear issues dissolved. In the period leading to the second crisis, bilateral relations between Pyongyang and Washington had all but frozen, and North Korea's inclusion in President George W. Bush's 'Axis of Evil' in 2002¹⁴⁴ was the clincher; the isolated state withdrew from the NPT on 10 January 2003 stating: "A dangerous situation where our nation's sovereignty and our state's security are being seriously violated is prevailing on the Korean Peninsula due to the US vicious hostile policy towards the DPRK".¹⁴⁵ Although the statement further suggested that nuclear development would continue for peaceful purposes, lessons from past illicit activities roused immediate concern over North Korean weapons aspirations internationally. Many feared the impact that a new nuclear-weapons state, formerly

¹⁴² Don Oberdorfer, "Dealing with the North Korean Nuclear Threat," *Policy Forum Online* 05-49A, June 14 (2005), <http://www.nautilus.org/fora/security/0549AOberdorfer.html>.

¹⁴³ See Chapter Two.

¹⁴⁴ George W. Bush, "State of the Union Address," <http://archives.cnn.com/2002/ALLPOLITICS/01/29/bush.speech.txt/>.

¹⁴⁵ North Korean news agency (KCNA), "Text of North Korea's Statement of NPT Withdrawal," James Martin Center for Nonproliferation Studies, http://cns.miis.edu/archive/country_north_korea/nptstate.htm.

party to the NPT, would have on an already-fragile non-proliferation regime, spurring a call to action.¹⁴⁶

Over the six years, the 6PT had both high and low points. The first real success was marked on 19 September 2005, when all six parties adopted a joint statement that outlined a set of objectives for the future of the talks.¹⁴⁷ Achieving common ground through a unanimously adopted statement inspired optimism and installed faith in the regional approach. Following a one year impasse in the process in 2006 (discussed further on page 51), the 2007 Action Plan came next; it was the most concrete achievement of the talks. Based on the 2005 statement, the plan set tangible steps for denuclearisation of the Korean peninsula, normalisation of diplomatic relations and future energy and security cooperation.¹⁴⁸ After four years of negotiation it appeared middle ground had been found and the 6PT had made some headway into reaffirming non-proliferation principles and engaging North Korea.

Despite the successes, North Korea boycotted on two occasions, 2004–05 and 2005–06.¹⁴⁹ These periods are evidence of the ‘stop–start’ diplomacy that shrouded the 6PT and obstructed the process so much that resolution of the issues and implementation of proposed action was near impossible. Following the second boycott in 2006, North Korea conducted a missile test that

¹⁴⁶ Tanya Ogilvie-White and John Simpson, "The NPT and Its 2003 Prepcom Session: A Regime in Need of Intensive Care," *The Nonproliferation Review* 10, no. 1 (2003).

¹⁴⁷ a) Denuclearisation of the Korean Peninsula, b) normalisation of diplomatic relations between all parties, c) recognition of the importance of economic development, including a provision of economic assistance for North Korea, and d) establishment of permanent peace on the Peninsula

¹⁴⁸ "North Korea - Denuclearization Action Plan," in *Six Party Talks* (Beijing: 2007).

¹⁴⁹ Nuclear Threat Initiative, "NPT Tutorial: North Korea," http://www.nti.org/h_learnmore/npttutorial/chapter05_north_korea.html.

shocked the international community.¹⁵⁰ This blatant act of rebellion backed the negotiating parties into a corner; a balance between continuing the peace process and adequately punishing North Korea for its act of aggression was needed. At this point, a shift in US policy finally restarted the talks in February 2007. During the first stages of the Six-Party Talks, Washington had continued with its hard-line, no concessions strategy with North Korea. However, after the second boycott, the US realised that if there is hope for resolving the nuclear issue, they would have to become more flexible. As with Ukraine, North Korea had realised the power of its bargaining chip and was planning to reap maximum benefits.

Although agreement to the Action Plan¹⁵¹¹⁵² in the 2007 round of talks was a feat in itself (given the record of the 6PT), it was never followed through. Between November 2007 and May 2008 North Korea missed disablement deadlines and was thought to be involved in illicit activities related to Syria's alleged nuclear programme.¹⁵³ Yet following the setbacks, North Korea did demolish a cooling tower at Yongbyon (a condition of the Action Plan) and engaged in document-sharing with the US on its nuclear programme in May and June 2008.¹⁵⁴ Even though these steps are argued to be signs of commitment to the Action Plan, further cooperation never materialised. Talks resumed in July 2008, but agreement on verification procedures were unable to be achieved. Lack of communication and an inability to enforce the agreement consequently lead to a lull in cooperation and a resurgence of hostile relations.

¹⁵⁰ Korean Central News Agency of the DPRK, "DPRK Successfully Conducts Underground Nuclear Test," *Korean News* (10 October 2006), <http://www.kcna.co.jp/index-e.htm>.

This episode was repeated again in May 2009 when North Korea ceased all involvement with the 6PT and engaged in missile testing into the Japan Sea.

¹⁵¹ The bargain made in the Action Plan professed that North Korea would receive 50,000 tonnes of heavy fuel aid in return for disablement of the Yongbyon nuclear facility within 60 days. Separate bilateral talks would commence with the US and Japan in a bid to normalise relations.

¹⁵² Nuclear Threat Initiative, "NPT Tutorial: North Korea."

¹⁵³ Ibid.

¹⁵⁴ Ibid.

North Korea's cessation of involvement in the 6PT in mid-April 2009 came after UNSC condemnation of its rocket launch on 5 April. "The Security Council condemns the 5 April 2009 (local time) launch by the Democratic People's Republic of Korea (DPRK), which is in contravention of Security Council resolution 1718 (2006)."¹⁵⁵ Global condemnation from the Security Council stirred unrest in Pyongyang, and in an effort to assert independence, Kim Jong-Il vowed not to return to the 6PT.¹⁵⁶ The nature of Council's 'demand' was exactly the language that had spurred North Korea into reclusive and defiant behaviour in the past.¹⁵⁷ Not only had the 6PT talks failed to install a compressive disarmament framework, Pyongyang resumed rebellious nuclear behaviour, making possibilities for future multilateral cooperation difficult.

What was responsible for the 2009 Breakdown of the 6PT?

North Korea–US Relations

North Korea–US relations are filled with a history of mutual distrust and antagonistic behaviour. Under the Bush Administration in particular, North Korea was regarded as a rogue state, characterised as 'the other', and needing to be 'dealt with'. Pyongyang has long felt threatened by Washington. Since the Korean War, the superpower has held a strong presence in East Asia, building allies and advancing its interests. Animosity on both sides is drawn from physical and ideological threats: it is no secret that the arguably unstable totalitarian communist dictatorship conflicts with the democratic ideals of the US, and disapproves of its presence in the region. US history of unilateralism, in particular the psychological impact of the Iraq case, instilled fear in

¹⁵⁵ United Nations Security Council, "Statement by the President of the Security Council: S/Prst/2009/7," (2009).

¹⁵⁶ (KCNA), "Text of North Korea's Statement of NPT Withdrawal."

BBC News, "North Korea Withdraws from Nuclear Pact," ed. BBC News World Edition (London: 10 January 2003).

¹⁵⁷ United Nations Security Council, "Statement by the President of the Security Council: S/Prst/2009/7."

Pyongyang further.¹⁵⁸ The North Korean reaction to the US invasion of Iraq demonstrates this sentiment:

“The unilateral demand for the disarmament of a sovereign state itself is a wanton encroachment upon this country's [Iraq] sovereignty. The encroachment upon sovereignty by military attack is the most vivid expression of violation of the rights of the people in this country... This highhanded action of the US against Iraq and the war preparations now being made by the US and its followers in the Korean Peninsula compel the DPRK to do all it can to defend itself and help it clearly know for what it should do more.”¹⁵⁹

Furthermore, on 26 May 2009 the Korean Central News Agency reported on the US position in Northeast Asia: “These moves lay bare the sinister and dangerous scenario of the US to put the Asia-Pacific region under its military control. The US remains unchanged in its way of thinking and wild ambition that it can dominate the world only when it puts the above-said region under its control.”¹⁶⁰ Clashing ideologies has been a thorn in the side of the 6PT since the outset with both parties determined to hold steadfast to their ideals, and unwilling to demonstrate understanding to the other.

The North Korea–US relationship follows patterns of both tit-for-tat and give-and-take negotiation techniques.¹⁶¹ A tit-for-tat style was adopted during the first nuclear crisis in 1992–94; North Korea would respond in kind to punishment or concession.¹⁶² Yet, once Pyongyang realised the power of the nuclear bargaining chip, it adopted a diplomatic give-and-take style, in

¹⁵⁸ Associated Press, “North Korea Warns Seoul of Nuclear War Following UN Sanctions,” *Guardian.co.uk* (2009), <http://www.guardian.co.uk/world/2009/jun/14/north-korea-un-nuclear-war>.

¹⁵⁹ Korean Central News Agency of the DPRK, “DPRK Foreign Ministry Spokesman on US Start of Iraqi War,” *Korean News* (2003), <http://www.kcna.co.jp/item/2003/200303/news03/22.htm#1>.

¹⁶⁰ Korean Central News Agency of the DPRK, “US Warmongers Accused of Stepping up Military Moves against the Dprk,” *Korean News* (26 May 2009), <http://www.kcna.co.jp/item/2009/200905/news26/20090526-07ee.html>.

¹⁶¹ Ronald Bleiker, “A Rogue is a Rogue,” *International Affairs* 79, no. 4 (2003).

¹⁶² Jonathan D. Pollack, Tim Cook, Christopher W. Hughes, Jon B. Wolfsthal, Deepa Ollapally and Kalsoom Lakhani, “North Korea and Iran: Nuclear Futures and Regional Responses,” *NBR Special Report* 13 (May 2007).

an effort to gain maximum benefits.¹⁶³ Following threats of Security Council sanctions in 2009 the North Korean foreign ministry commented on fraught diplomacy with the US: “It is none other than the US and other forces courting the US favor who should be held entirely responsible for driving the situation to such a pass as they took the DPRK's peaceful satellite launch to the UN to launch a condemnation campaign”.¹⁶⁴ Further illustrating Pyongyang’s growing aversion to cooperate with Washington a Foreign Ministry official stated: “The US is keen on using a catchphrase ‘Carrot and stick.’ It would be better for the ‘Donkey’ of the US Democratic Party to lick the carrot.”¹⁶⁵ This is a clear example of animosity that North Korea feels towards the US that contributed significantly to troubled diplomacy within the 6PT.

The rhetoric of good versus evil plagued both parties, and subsequently made agreement difficult. In 2006 a statement by then President Bush epitomised the double-sided nature of US diplomacy:

“The United States remains committed to diplomacy. The United States also reserves all options to defend our friends and our interests in the region against the threats from North Korea. So in response to North Korea's provocation, we will increase defense cooperation with our allies, including cooperation on ballistic missile defense to protect against North Korean aggression.”¹⁶⁶

North Korea and the US adopted a hardnosed approach, unwilling to concede to the other. Such behaviour outside the negotiating room is not conducive to productive diplomacy within it.

¹⁶³ Give and take combines reassurance with conditional reciprocity, promising inducements on the condition that potential proliferators accept nuclear restraints. Sigal, *Disarming Strangers: Nuclear Diplomacy with North Korea*.

¹⁶⁴ Korean Central News Agency of the DPRK, "DPRK Foreign Ministry Spokesman Clarifies Its Stand on UNSC's Increasing Threat," *Korean News* (May 28, 2009), <http://www.kcna.co.jp/item/2009/200905/news29/20090529-15ee.html>.

¹⁶⁵ Ibid.

¹⁶⁶ George W. Bush, Transcript: Bush's News Conference (The Rose Garden, White House, 11 October, 2006).

North Korea: regime survival

North Korea's nuclear defiance and subsequent negotiating behaviour can be tied to the politics of regime survival. The threat perception felt in Pyongyang comes from a long, unbroken period of US nuclear hegemony in East Asia – the US is the only country to have used nuclear weapons in conflict and has maintained a military presence in the region since World War Two.¹⁶⁷ US nuclear weapons deployed in South Korea were removed in the 1990s, but have done nothing to thwart the threat perception felt by the North; Pyongyang does not believe they have been removed.¹⁶⁸ On 29 June 2009 North Korea's foreign ministry stated: "To talk about coping with the DPRK's 'threat' means, in essence, rhetoric intended to justify US theory of preemptive attack. Lurking behind the outpourings of US warmongers is a foolish attempt to ignite a new war on the Korean Peninsula on a legitimate basis and lay the blame for it at the door of the DPRK."¹⁶⁹ As a result, regime survival became paramount, and *juche* ideology as important as ever.

Juche, the political philosophy coined by North Korea's 'Eternal Leader' Kim Il-Sung, embodies his model of political control, vital to his own mystification and leadership cult.¹⁷⁰ The philosophy is based on ideals of self-reliance and a self-dependent national economy, as Kim Il-Sung himself explained:

"Juche means being master of revolution and reconstruction of in one's own country. This means holding fast to an independent position, rejecting the dependence on others, using one's own brains, believing in one's own strength, displaying the revolutionary

¹⁶⁷ Bleiker, "A Rogue Is a Rogue."

¹⁶⁸ Korean Central News Agency of the DPRK, "US Warmongers Accused of Stepping up Military Moves against the DPRK."

¹⁶⁹ Korean Central News Agency of the DPRK, "KCNA Blasts US Dangerous Moves for New War," *Korean News* (29 June, 2009), <http://www.kcna.co.jp/item/2009/200906/news29/20090629-16ee.html>.

¹⁷⁰ Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East*. p.126.

spirit of self-reliance, and thus solving one's own problems for oneself on one's own responsibility under all circumstances."¹⁷¹

Kim Il-Sung's account of *juche* gives context to the circumstances under which North Korea became a hermit state focused on independence and self reliance.

The philosophy of *juche* provides insight into the motivating factors behind Pyongyang's nuclear programme and subsequent behaviour towards retaining such capability. To Kim Jong-Il, regime survival is paramount. The chief motivating factor for North Korea to retain its nuclear arsenal at the state level stems from hostile relations with the US and other regional powers. Domestic politics is, however, dominant and explains the issue further – in a military dictatorship nuclear power is a source of great pride and prestige for the North Koreans, especially among the high-ranking officials. As a result, acquiescence to international agreements and pressure from within the 6PT on total denuclearisation only threatened survival of the Kim dynasty further. Keeping friends at home is more important than making friends at the international level, thus turning the small and somewhat unstable state into a hermit kingdom intent on advancing nuclear weapons technology.¹⁷² Ogilvie-White argues:

“[F]rom the perspective of a state in this position of extreme marginalisation, outright defiance of the non-proliferation regime and development of a nuclear deterrent send a clear message to international society: ‘we reject your values, laws, and systems of governance just as you reject ours. We are independent; we have the right to exist on our own terms. Cross us at your peril.’”¹⁷³

¹⁷¹ As cited in Grace Lee, "The Political Ideology of Juche," *Stanford Journal of East Asian Affairs* 3, no. 1 (2003).

¹⁷² Ibid.

¹⁷³ Tanya Ogilvie-White, "The Defiant States: The Nuclear Diplomacy of North Korea and Iran," *The Nonproliferation Review* Spring (2010)

Such isolation from the international community has left Kim Jong-Il unwilling to negotiate a settlement, making the aim of complete denuclearisation unrealistic.¹⁷⁴ As in the Iraq and Libya cases, we can see the importance of leadership personality in the outcome of nuclear negotiations.

Economic incentives and regime survival

It is important to note that North Korea was compelled to participate in the Six-Party process as the remuneration was substantial. Pyongyang received a healthy economic aid package put together by Beijing as an incentive for involvement in the dialogue.¹⁷⁵ While this was a successful move in bringing North Korea to the table (discussed further below), it did little to inspire ongoing participation – aid eased financial burdens and thus contributed to regime survival. If Pyongyang expected such incentive for each round there was little incentive to conclude the process.

US leadership and motivations

US hegemony and hawkish diplomacy dominated George W. Bush's presidency and put pressure on the already fragile relationship with North Korea. Negotiating tactics and somewhat over-use of public diplomacy fed into the psyche in Pyongyang that the US was openly hostile and threatening. The Axis of Evil speech was just the beginning and was followed by constant demonization. Then US Secretary of State, Condoleezza Rice, gives a key example: during her

¹⁷⁴ Ibid.

¹⁷⁵ Ralph Cossa, "Six-Party Talks: Prospects for 'Success'", *PacNet* 9, no. b (2004), <http://csis.org/files/media/isis/pubs/pac0409b.pdf>,
See also Chu Shulong and Lin Xinzhu, "The Six Party Talks: A Chinese Perspective," *Asian Perspective* 32, no. 4 (2008). Jon Wolfsthal, Joel S. Wit and Choong-suk Oh, "The Six Party Talks and Beyond: Cooperative Threat Reduction and North Korea," in *A Report of the CSIS International Security Program* (Washington DC: Center for Strategic and International Studies, 2005).

bid for the top foreign affairs position, Rice named North Korea an outpost of tyranny: "America and the free world are once again engaged in a long-term struggle against an ideology of tyranny and terror, against hatred and hopelessness".¹⁷⁶ Feeling ostracised and isolated North Korea responded: "Upon being stigmatized as an outpost of tyranny, we already clearly expressed the position that we cannot engage in any type of talks or associate with the United States in any way".¹⁷⁷ Denouncing the already-secluded state so publicly was not conducive to an accommodating atmosphere and repeatedly backed Pyongyang into a corner.

Despite the isolating effect such actions had on the bilateral relationship and the Six-Party process, from early on many of the analysts and policymakers in Washington argued that North Korea's continued nuclear development was evidence enough that Clinton's policy of engagement with Pyongyang had been a mistake.¹⁷⁸ The hawks were ready to reclaim the US position and determined not to be made the fool; a policy option that proved influential in the breakdown of the talks. Following this, however, in its second term the Bush Administration's approach became more conciliatory. This is evident in the removal of North Korea from the US list of state sponsors of terrorism.¹⁷⁹ Although this mitigated hostilities, the damage in the relationship was lasting. It is important to note that the Obama Administration has taken an important policy shift aimed at opening dialogue and returning North Korea to the 6PT.

¹⁷⁶ BBC News, "Excerpts: Condoleezza Rice," *BBC News* (2005), <http://news.bbc.co.uk/2/hi/americas/4184751.stm>.

¹⁷⁷ DPRK Foreign Ministry, "We Have Never Asked for DPRK-US Talks Separate from 6-Way Talks," *NAPSNet Special Report* (2005), http://nautilus.org/napsnet/sr/2005/0550B_KCBS.html.

¹⁷⁸ See Gregory J. Moore, "America's Failed North Korea Nuclear Policy: A New Approach," *Asian Perspective* 32, no. 4 (2008).

¹⁷⁹ Helene Cooper, "US Declares North Korea off Terror List," *New York Times* (12 October 2008), <http://www.nytimes.com/2008/10/13/world/asia/13terror.html>.

Fundamental lack of trust

A fundamental lack of trust between the six parties significantly hampered progress of the Talks. North Korea was able to exploit this lack of trust by playing the parties off against the other. Following the breakdown of the Agreed Framework, the rift between Pyongyang and Washington deepened. Years of broken agreements, defiance, and reneging on promises left all parties sceptical of each other's commitment to process and capacity to follow through on joint initiatives.¹⁸⁰ By mid-2002 North Korea was in violation of the Agreed Framework, the North-South Joint declaration on the Denuclearization of the Korean Peninsula, the NPT, and its Safeguards Agreement with the IAEA.¹⁸¹ As discussed in Chapter Three, neither party lived up to requirements of the Agreed Framework, and it subsequently collapsed. Thus, when it came time to respond to North Korea's latest round of defiant nuclear behaviour, withdrawal from the NPT and continued weapons development, all Six-Party participants were sceptical, a sentiment that was proven correct in the lack of commitment for the 2005 and 2007 accords. Negotiating parties were still working towards agreement to the 2005 Joint Statement in 2007. US Ambassador Christopher Hill stated prior to the February 2007 talks, "We will try a first set of measures from the September '05 statement. But we're not interested in just having a first set of measures; we're interested in the complete implementation of the statement".¹⁸² Despite the need for nuclear rollback, historical grievances and personal agendas foreshadowed the problems that reaching consensus and bringing agreements into effect would have.

¹⁸⁰ James A. Kelly, "Mounting Tensions in Northeast Asia: What Are the Deeper Causes?," *PacNet* no. 23B (2005).

¹⁸¹ Nuclear Threat Initiative, "NPT Tutorial: North Korea". International Atomic Energy Agency, "IAEA and DPRK: Fact Sheet on DPRK Nuclear Safeguards," http://www.iaea.org/NewsCenter/Focus/laeaDprk/fact_sheet_may2003.shtml.

¹⁸² Christopher R. Hill, paper presented at the evening walkthrough with reporters prior to the Six-Party Talks, St Regis Hotel, Beijing, China, 7 February 2007.

Historical grievances and personal agendas were further complicated by unpredictable negotiating behaviour throughout the 6PT. North Korea frequently adopted strategies of non-cooperation, while the US reneged on agreements and its negotiation tactics were unpredictable and varied between the hawk and the dove. China's stance often changed, focusing on neutrality card for mediation sake, then speaking out against the North when it adopted UNSC Resolutions.¹⁸³ Japan did not trust Korean commitment to resolution of the abduction issue. Add to this the tensions between North and South Korea, and there is a plethora of issues to be resolved before there is any movement on the nuclear. Concrete measures for confidence building were needed to show commitment from all parties to the process. Partaking in confidence-building measures (CBMs) from the outset does not lessen complicated regional security dynamics but helps to develop an environment based on possibilities that cooperation has to offer.

China's mediation role

As discussed above, it was clear from the beginning that the US would not engage in bilateral negotiations with North Korea. A mediator was needed. China took on this role, opening the channels of communication that led to the formation of the 6PT. The 2004 State Council White Paper summed up China's newly adopted foreign policy: "China pursues a foreign policy of building a good-neighbour relationship and partnership with its neighbours, trying to create an amicable, secure and prosperous neighbourhood, and vigorously pushing forward the building of a security dialogue and cooperation mechanism in the Asia-Pacific Region."¹⁸⁴ With Asia

¹⁸³ China voted for UNSC 1695, the first where it joined international commendation of North Korea's action and called Pyongyang back to the 6PT. It was the first time that China openly stood with all other States Party.

¹⁸⁴ State Council, "China's National Defense in 2004," *Government White Papers* (2004), <http://www.china.org.cn/e-white/20041227/IX.htm#2>.

moving towards increased regionalism, multilateral security cooperation at this level was logical. Moreover, China was the most neutral party involved and therefore best suited to the role of mediator. Beijing was familiar with North Korea's top leaders and had a burgeoning relationship with the US. Beijing had the regional power status to adopt this role.¹⁸⁵

Beyond the advantages of neutrality, China's enthusiasm to adopt the role of mediator in the 6PT developed as a bid to assert an element of control over the region and prevent regime collapse in Pyongyang.¹⁸⁶ Close ties between the US and Japan and South Korea, in particular with its policy of extended deterrence, led China to fear growing US predominance in the region. Given this, the key issue here is whether this effort to assert control was effective in mediating the talks. In 2003 denuclearisation was secondary to Beijing's primary goal of avoiding military confrontation in East Asia.¹⁸⁷ China has been praised by many for effective mediation in the 6PT, and from a short-term perspective there is no denying its success.¹⁸⁸ The Chinese were committed to the role of mediator, stating in a 2004 Foreign Ministry Press conference:

"As long as all the parties continue to cherish sincerity in peace talks and take part in talks under the principles of mutual respect and consultation on an equal footing, favorable conditions would be created for promoting solutions to related questions. The

For an up-to-date look at China's policy on international and regional cooperation see State Council, "China's National Defense in 2008," *Government White Papers* (2009), http://www.china.org.cn/government/central_government/2009-01/20/content_17155577.htm..

¹⁸⁵ John S. Park and Yeh-Chung Lu, "Peace by Piece: The Six-Party Talks and Beyond," in *Conflict Management, Security and Intervention in East Asia: Third-Party Mediation in Regional Conflict*, ed. Jacob Bercovitch, Kwei-Bo Huang and Chung-Chian Teng (New York: Routledge, 2008).

¹⁸⁶ Tanya Ogilvie-White, "The Limits of International Society: Understanding China's Response to Nuclear Breakout and Third Party Non-Compliance," *Asian Security* 1, no. 2 (2005).

¹⁸⁷ John S. Park and Yeh-Chung Lu, "Peace by Piece: The Six-Party Talks and Beyond". p125.

¹⁸⁸ For example, see Samuel S. Kim, "The Korean Peninsula Conflict: Mediation in the Midst of a Changing Regional Order," at *Asia Mediation Retreat 2008* (co-hosted by the Royal Norwegian Ministry of Foreign Affairs and the China Institute of International Studies: 2008).

Kim, "China's Conflict Management Approach to the Nuclear Standoff on the Korean Peninsula," *Asian Perspective* 30, no. 1 (2006).

Qian Cheng and Wu Xiaohui, "The Art of Mediating Regional Conflict in Asia," *Asian Affairs* 29, Winter (2008/2009).

Chinese side has always been positively mediating for peace and promoting for talks and has made a series of diplomatic efforts to this end.”¹⁸⁹

Although drawing all parties together was a success in itself for China’s efforts of facilitation, not enough effort was made beyond this to foster a lasting resolution. Rather, a more balanced perspective would be accurate.

Partial blame for the breakdown of the talks can be attributed to a lack of effective mediation. High hopes were riding on Beijing to facilitate the 6PT so that all parties continued negotiations in the spirit of cooperation, a difficult task given the diverging interests and intentions. The window that Beijing had into North Korea was seen as essential for bringing the secluded state into a cooperative process, particularly among many senior Bush Administration officials.¹⁹⁰ The 1961 China–North Korea Treaty on Friendship, Cooperation and Mutual Assistance¹⁹¹ is the long-standing base of this relationship – they were familiar with the North’s top leaders and had cemented humanitarian and economic ties.¹⁹² Park argues however, that since the end of the Korean War the Sino-North Korean relationship has had a long history of mutual distrust and deep suspicion.¹⁹³ Consequently, as the Talks progressed Beijing’s influence over Pyongyang was brought to question.¹⁹⁴ The considerable lack of willingness from China to use ties with

¹⁸⁹ Ministry of Foreign Affairs People's Republic of China, Foreign Ministry Spokesperson's Press Conference on 19 February 2004, <http://lt.chineseembassy.org/eng/zt/wjblxjzzdh/2004/t125014.htm>.

¹⁹⁰ For a discussion on Chinese-North Korean energy cooperation and Pyongyang’s reliance on Beijing fuel supply, see Julia Joo-A Lee, "To Fuel or Not to Fuel: China's Energy Assistance to North Korea," *Asian Security* 5, no. 1 (2009).

¹⁹¹ Ministry of Foreign Affairs of the People's Republic of China, "DPRK (Democratic People's Republic of Korea) Bilateral Relations," <http://www.mfa.gov.cn/eng/wjb/zzjg/yzs/gjlb/2701/>.

¹⁹² John S. Park and Yeh-Chung Lu, "Peace by Piece: The Six-Party Talks and Beyond". p.125.

¹⁹³ Park, "Inside Multilateralism: The Six Party Talks".

¹⁹⁴ Anne Wu, "What China Whispers to North Korea," *Washington Quarterly* 28, no. 2 (2005). You Ji, "Why Are the Six-Party Talks Failing? A Chinese Perspective," *Association for Asian Research* (2005), <http://www.asianresearch.org/articles/2615.html>.

North Korea to rein in Pyongyang's defiant behaviour sparked questions among the parties as to how much Beijing was willing to put on the line for resolution of the nuclear issue.¹⁹⁵

The China–North Korea relationship may have cooled, but historical ties meant the window was open. Park argues that China has the leverage but doesn't know how to use it: "On paper, China has the political, military and economic leverage to effect significant change in the North Korean regime's behaviour and the regime itself."¹⁹⁶ In contrast, North Korea has leverage and knows how to use it. Pyongyang has manipulated the process and used boycotts as its own leverage over China to stymie Beijing's attempt to keep its newfound status as an international statesman. The effort to bring stability to the region has not been without a price; Pyongyang has positioned itself in such a manner that Beijing can neither ignore nor press it. China has become stuck in the North Korea–US feud.¹⁹⁷

The intermediary in multilateral diplomacy sets the tone for subsequent negotiations. Their commitment to the process should set an example for the other parties. Despite China's proactive attitude, the limited willingness to use its relationship with Pyongyang in its capacity as an active member of the 6PT had a significant effect on progress.¹⁹⁸ Japan, South Korea and the US in particular were required to take on the role as punisher, doing nothing to stymie Pyongyang's long-standing impression of Washington and its allies as hostile. As discussed above, developing

¹⁹⁵ This was particularly evident in Beijing's reluctance to use the aid card to spur Pyongyang into cooperation. North Korea is heavily reliant on outside aid, and China's commitment to principles of state sovereignty and aversion to sanction North Korea became a bone of contention with the US in particular.

¹⁹⁶ John S. Park, "North Korea's Grip on China; the More China Wants to Referee Conflicts with Pyongyang, the More Power It Gives the Rogue Regime," *The Globe and Mail* 2005.

¹⁹⁷ Ibid.

¹⁹⁸ For additional discussion, see Park, "Inside Multilateralism: The Six Party Talks". Cossa, "Six-Party Talks: Prospects For 'Success'". Samuel S. Kim, "China's Conflict Management Approach to the Nuclear Standoff on the Korean Peninsula".

the US-North Korea relationship was the crucial component for achieving success through the 6PT. Unfortunately, leaving use of both carrots and sticks to Washington was taxing on efforts of relationship building. China had the opportunity to alter these circumstances, and that it didn't might suggest its mediation was not as successful as some would like to believe. Moreover, the limited efforts to restore the North Korea-US relationship relates to the lack of trust discussed above – confidence building is a necessary base to an enduring relationship.

Recently, China has made a shift in policy towards North Korea. Beijing did not block Security Council Resolution 1874, indicating a willingness to take a harder line approach with Pyongyang at the expense of neutrality. Following this, the US has encouraged China to effectively implement North Korea sanctions.¹⁹⁹ This is partially the result of pressure from the Obama Administration – it realises the US has very little influence over Pyongyang following the nuclear test, and increased pressure from Beijing will give denuclearisation efforts the boost they need. Kevin Nealer argues that China has 'stepped up': "China has gone from 'renting a room' for Six-Party Talks to playing an important role in decreasing risk on the Korean peninsula".²⁰⁰

Beijing is still primarily concerned with regime survival in North Korea due to economic concerns and at this point will take precedence over willingness to use sticks. As Glosserman and Snyder conclude:

¹⁹⁹ For further discussion on China's role in the future of the 6PT and engagement with North Korea, see Hui Zhang, "Ending North Korea's Nuclear Ambitions: The Need for Stronger Chinese Action," *Arms Control Today* (2009), http://www.armscontrol.org/act/2009_07-08/zhang. C. Qian and X. Wu, "The Art of China's Mediation during the Nuclear Crisis on the Korean Peninsula," (2009). Brad Glosserman and Scott Snyder, ""Not Too Fast with China," *Pacnet* 74, 13 November 2009, <http://csis.org/files/publication/pac0974.pdf>. Adam P. Liff, "US Policy toward North Korea: The China Fallacy," *PacNet* 67 (2009).

²⁰⁰ Kevin Nealer, "China Trip: State of Play and Expectations," *Pacnet* 73, 10 November 2009 (2009), <http://csis.org/files/publication/pac0973.pdf>.

“China’s own interests in regional stability remain a higher priority than denuclearization, despite the global interest in stopping nuclear proliferation. Premier Wen Jiabao’s recent visit to Pyongyang may have helped nudge North Korea back to the negotiating table, but there are questions whether the economic package he promised is consistent with the UN resolution. Moreover, there is speculation that he was spurred by fears that the US might resume talks with North Korea and China would have to play catch-up.”²⁰¹

It is clear that China is unwilling to relinquish any control it has over Pyongyang or the 6PT even if it means having to ‘use sticks’ more than it would like. Beijing’s fears for its own security, economic stability and relationship with Washington are incentive enough to continue, and even increase engagement on the North Korea nuclear issue.

The regional approach: hindrance or help?

The 6PT was convened as such to include the regional powers, all of whom had vested interests in resolution of the nuclear issue. As discussed above and in Chapter Three, previous attempts to resolve nuclear crises on the Korean peninsula had failed; the latest North Korean crisis required a new approach. The composition of six parties aimed to promote mutual respect through cooperative behaviour and peaceful resolution of the issues. Each participant brought new issues to the table but also the opportunity to resolve the crisis and strengthen the security environment in East Asia. Below is a discussion of the complications that domestic politics of the negotiating parties had on the negotiation process.

Japan

Japan, a great power in East Asia, plays a pivotal role in the regional security structure. It has a strong nuclear energy industry but has refrained from weapons development. Nuclear proliferation in the region is particularly concerning to Tokyo, as they have felt the effects first

²⁰¹ Brad Glosserman and Scott Snyder, “Not Too Fast with China”.

hand as the only state to have had a nuclear device used against it in conflict. Moreover, Japan feels a deep national security threat from North Korea, a sentiment that was exacerbated with North Korean missile testing into the Japan Sea.²⁰²

The abductees issue and subsequent antagonisms between Japan and North Korea greatly hindered the six-party process. In the 1970s and 1980s North Korea abducted citizens from Japan for two key reasons: firstly, identity theft for North Korean agents, and secondly to train the agents in Japanese language and culture for terrorist operations.²⁰³ The abduction issue is extremely important in Japanese domestic politics. The public are still horrified at the actions of Pyongyang, and seek resolution. Because of the strong domestic push to take a hard-line approach to the issue, Japan's position was clear from the outset of the 6PT:

“There is no change in Japan's basic positions of settling outstanding issues of concern based on the Japan–North Korea Pyongyang Declaration and normalizing relations in a manner that would contribute to the peace and stability of the Northeast Asia region. The nuclear problem, the missile problem, and the abduction issue must be solved before the normalization of the relations between Japan and North Korea. Japan will provide economic cooperation to North Korea only after the normalization of the relations between Japan and North Korea is achieved. The abduction issue must be solved through concrete discussions between Japan and North Korea. Solution of the abduction issue is essential for reaching a comprehensive solution of the problem.”²⁰⁴

With strong US support, Tokyo holds steadfast to settlement of the abductions as a premise for participation in any agreements or movement on negotiations in the 6PT. US Ambassador Christopher Hill reiterated US support for Japan in July 2008 stating: “There is really no future

²⁰² North Korea first tested Taepodong-2 missile in 1998, then in July during the 6PT in 2006, and again fears of missile testing in Tokyo's direction came in 2009. Central News Network, "US Officials: North Korea Tests Long-Range Missile," *CNN World News* (2006), <http://www.cnn.com/2006/WORLD/asiapcf/07/04/korea.missile/>.

²⁰³ Ministry of Foreign Affairs of Japan, "Abductions of Japanese Citizens by North Korea," *Japan – North Korea Relations* (2008), http://www.mofa.go.jp/region/asia-paci/n_korea/abduction.pdf.

²⁰⁴ Ministry of Foreign Affairs of Japan, "Six Party Talks on North Korean Issues: Overview and Evaluation," http://www.mofa.go.jp/region/asia-paci/n_korea/6party0308.html.

that North Korea can have if it does not have a good relationship with its neighbors, especially Japan.”²⁰⁵ Some scholars argue that the 6PT is not the appropriate forum to work domestic concerns such as the abduction issue. However, due to fragile bilateral relations and the prospect of normalising diplomatic relations, Japan maintains that one issue cannot be resolved without the other.

North–South relations:

The North–South Korean relationship is complicated. Geopolitical and ideological divides combined with internal war and failed reunification has left the Korean peninsula in political turmoil. As discussed above, regime survival is Kim Jong-Il’s primary concern. Reunification with a western-allied South is not a viable option due to differing ideologies and US alliance with South Korea. Similarly, the heavily armed border on both sides suggests that military upkeep is an important fallback if the armistice is ever broken. South Korea’s alliance with the US complicates the security situation further. Political association combined with US policy of extended deterrence adds to the North’s threat perception and puts Seoul on hostile grounds with Pyongyang. These tensions only begin to explain the convoluted relationship on the peninsula.

Owing to geography, a nuclear North Korea poses serious security concerns to the South. Combined with an unstable political environment, the outcome of the 6PT greatly concerns Seoul. The strained relationship did play a role in the collapse of the 6PT – the two states are moving in different directions ideologically, politically, and economically – thus sustained

²⁰⁵ Christopher R. Hill, "Statesman Forum: Six Party Talks," (1 July 2008). Available at <http://csis.org/multimedia/audio-statesmens-forum-ambassador-christopher-hill>.

cooperation on joint provisions of the various nuclear accords was more difficult than first imagined.

Denuclearisation of the peninsula and normalisation of relations with South Korea are repeated features in Six-Party agreements. The aim is reduced threat perception and peaceful conflict resolution. One of the major hurdles such cooperation faced came with the election of President Lee Myung-bak following the suicide of Roh Moo-hyun. Roh Moo-hyun was labelled an optimist when it came to North Korea, tested with his promotion of his predecessor's 'Sunshine Policy'.²⁰⁶ President Lee, however, is notably pro-US, and the personality clash with Kim Jong-Il has weakened relations further. In addition; Lee pressured China and Russia to take a unified stance on the North and lobbied the UNSC for more sanctions.²⁰⁷ Such acts pushed Pyongyang further away from Seoul and obstructed progress on the peninsula and efforts for wider cooperation within the talks. Furthermore, Seoul announced its full membership in the Proliferation Security Initiative (a US counter-terrorism initiative)²⁰⁸ on 26 May 2009 – a move that has distanced Pyongyang further and will no doubt effect future security cooperation.

²⁰⁶ South Korea's Sunshine Policy, developed under former President Kim Dae Jung, aimed at relationship building and eventual peaceful coexistence between the Koreas. In short, the policy stated that the South would not tolerate armed provocation on the peninsula or endeavour to absolve the North, and would actively push cooperation and reconciliation with Pyongyang. It is difficult to pursue a policy based on cooperation in face of sustained belligerent action from the North. After the 2007 election, Lee Myung-bak reversed this policy, which in actuality, was doing very little to entice Kim Jong-Il to cooperate in nuclear dialogue, but nevertheless negatively impacted the North-South relationship.

²⁰⁷ *New York Times*, "Lee Myung-Bak,"

http://topics.nytimes.com/topics/reference/timestopics/people/l/lee_myung_bak/index.html.

²⁰⁸ The Proliferation Security Initiative is a US-led counter-proliferation collective. It involves the interdiction of ships at on the high seas on the basis of carrying nuclear materials. Under the directive of former US Secretary of State John Bolton and announced by President Bush in 2003, the Initiative now has 90 member states. Often disputed for its legality and conflicts with international law, the aim is to stop trafficking of illicit WMD materials.

Conclusions

The 6PT has the right intention – convene regional powers to engage on North Korea’s nuclear compliance and weaponisation issues – and in doing so there are prospects for institutionalising a regional security dialogue. The Korean nuclear issue is, however, fraught with protracted problems that are extremely difficult to overcome. In May 2009 the Kim regime propelled North Korea back into rogue status when it withdrew from the 6PT and conducted a rocket launch, believed to be testing delivery systems. The 6PT had broken down indefinitely, but the nuclear issue remains. Lessons learned from talks are best viewed in terms of the political environment – domestic and international – and strategic and economic conditions. Acknowledging these is important so that such mistakes can be avoided in dealing with the North Korean nuclear issue and any future compliance crises.

Firstly, this chapter showed the importance of the domestic political environment; fear for regime survival is paramount. In addition, the stronger the relationship between regime survival and nuclear development as a source of national pride presents the greater difficulty for negotiating parties. Second is the international political environment: evidence in this and the preceding chapter shows that one of the most important factors to non-proliferation diplomacy is the role of the US. The relationship between Pyongyang and Washington was critical from the outset. History on the nuclear issue combined with North Korean claims that its weapons development is in direct response to US hostility suggests that developing this relationship was of the utmost importance.

The limited development of the bilateral relationship leads to China's mediation. China was effective in facilitating the Six-Party Talks yet was unable to mediate the international political environment to the same level. There was insufficient emphasis on bridging ideological divides and rifts that plagued negotiations. Such behaviour cannot be solely attributed to China's mediation; it grew from respective governments' policies but was not altered by Beijing either.

Economic incentives stymied progress during the talks. Rewarding North Korea without conditions for guaranteed cooperation provided little incentive to quickly conclude an agreement. Over the five years the process has been open, Pyongyang accepted carrots but has not followed through with its agreements. Such behaviour epitomises the give-and-take style, leading to the conclusion that perhaps the reclusive regime planned to become a nuclear-armed state all along.

The strategic environment was antagonised by negotiations between the regional powers. The inclusion of regional domestic politics contributed to the downfall of the 6PT. The intention of the regional approach was to include the major security players with a vested interest in resolving the North Korean nuclear crisis, who would therefore be more inspired to reach a timely but lasting settlement. State-specific issues were not overcome and significantly hampered progress on the nuclear crisis. As an agreement on denuclearisation was contingent on resolution of these issues, progress was delayed. The impact of the multilateral regional approach will be explored further in Chapters Five and Six.

CHAPTER FIVE:

Six Party Talks: Lessons Learned and Opportunities for Engagement with Iran

The 2009 breakdown of the 6PT may have led to an indefinite standstill in multilateral nuclear diplomacy with North Korea, but important lessons can be learned for dealing with future cases of nuclear non-compliance and defiance with the NPT. The Iranian nuclear programme has been under scrutiny since 2002, fuelling fears over what clandestine weapons development would do not only to the validity of the NPT and non-proliferation regime, but the international security structure as well. Iranian nuclear developments resurfaced as one of the major international security concerns in 2008–09. Efforts at multilateral diplomacy have experienced only limited success. From this viewpoint it is useful to consider the lessons learned in the 6PT so that similar mistakes can be avoided in approaching Iran's defiant behaviour. Moreover, the lessons provide a guideline of key problem areas to address when entering into multilateral engagement with states that have chosen to ignore international obligations and undertake weapons development.

This chapter explores the lessons learned in the 6PT to determine whether a similar multilateral regional approach to dealing with non-compliance is a viable option with Iran, how the factors that contributed to the 2009 breakdown of the 6PT impact successful diplomatic negotiations and where participants should focus efforts to ensure attempts at advanced nuclear development do not result in the advent of a new nuclear-armed state. This chapter specifically explores the lessons learned in the 6PT from Chapter Four to determine how the conditions apply to nuclear diplomacy with Iran. It first outlines Iran's nuclear history and clandestine weapons development. This chapter then addresses the impact of domestic and international political conditions to favour cooperation. Following this, it will discuss lessons for mediation and

strategic regional calculations. This analysis will determine where a regional approach could potentially be successful and how negotiators can focus their efforts in order to strengthen the non-proliferation regime. Finally, this chapter will explore the dilemma of administering economic incentives in compliance diplomacy. This analysis will then be explored in Chapter Six using the RSCT framework.

Non-compliance in Iran: calculated clandestine nuclear development?

Iranian nuclear capabilities have become one of the foremost issues of concern for the international community. Should it become a nuclear-armed state, Iran will be the second to do so while still party to the Non-Proliferation Treaty, significantly threatening the validity of the treaty. On 27 November 2009 the IAEA Board of Governors adopted Resolution GOV/2009/82 denouncing Iran's behaviour in relation to nuclear developments and refusal to accept previous Board and UNSC Resolutions.²⁰⁹ This resolution is the fourth of its kind referred to the Security Council in just over two years. The full magnitude of international concern and the importance of compliance was expressed through Security Council Resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) all of which call on Iran to fulfil its safeguards obligations, "constrain development of sensitive technologies in support of its nuclear and missile programmes" and impose obligations on states not to assist Iran's clandestine nuclear activities.²¹⁰ In addition, these resolutions acknowledged the importance of open communication

²⁰⁹ International Atomic Energy Agency, "Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran," in *IAEA Board of Governors* (New York: 2009).

²¹⁰ United Nations Security Council, "Resolution 1737," (2006). United Nations Security Council, "Resolution 1747" (2007) United Nations Security Council, "Resolution 1803," (2008). United Nations Security Council, "Resolution 1835," (New York: 2008) available at <http://www.iaea.org/NewsCenter/Focus/IaeaIran/index.shtml>.

and urged willing states, particularly in the EU, to “continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution”.²¹¹

Iran’s nuclear programme began in the 1950s. It signed the NPT in 1968 and ratified it in 1970.²¹² In doing so Tehran committed itself to the principles of non-proliferation. The true purposes of Iran’s nuclear developments have troubled the international community since they were exposed in 2002. Although Iran has been unwavering in its claims that it does not have a weapons programme, continued speculation and intelligence estimates have seen its facilities come under increasing scrutiny by the international community.²¹³ Requests have come from the international community, IAEA and United Nations to suspend the enrichment programme until comprehensive inspections are complete and the programme can officially be deemed peaceful. In a television appearance on 11 April 2006 the President of Iran, Mahmoud Ahmadinejad, said: “[I] am officially announcing that Iran has joined the group of those countries which have nuclear technology” and that it had enriched uranium to fuel grade (3.5%).²¹⁴ Critics of the Iranian programme have grown concerned that Iran is engaged in weapons development especially after Ahmadinejad rejected a comprehensive package for a civilian nuclear programme, excluding uranium enrichment.²¹⁵

²¹¹ United Nations Security Council, “Resolution 1803”.

²¹² http://www.nti.org/e_research/profiles/Iran/Nuclear/index.html.

²¹³ ElBaradei, “Introductory Statement to the Board of Governors”. Available at <http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n019.html#iran>.

²¹⁴ “Iran Declares Key Nuclear Advance,” *BBC News* (2006), http://news.bbc.co.uk/2/hi/middle_east/4900260.stm.

²¹⁵ For more information of Iran’s initial reaction, see http://news.bbc.co.uk/2/hi/middle_east/5048956.stm and http://www.nytimes.com/2006/06/06/world/middleeast/06cnd-iran.html?_r=1.

To date Iran has not suspended enrichment, nor complied in full with the reporting requirements of its Safeguards Agreement.²¹⁶ The international community has tried various strategies to deal with Iran's illicit nuclear developments: multilateral high-level diplomacy such as the EU-3 and P5+1, the Russian enrichment proposal and the IAEA, France and Russia's security of fuel for a research. Since 2003 diplomatic strategies have addressed both supply and demand of a nuclear programme, and tried diplomatic carrots and sticks.²¹⁷ Attempts to impede the supply have slowed Iran's developments but so far have been unable to stop them; the demand still appears to be strong. As a result of motivated leadership, demands have been met from black market suppliers that have found ways around the trade restrictions and western-dominated efforts that have attempted to stop Iranian nuclear developments.²¹⁸ Similarly, unilateral and Security Council sanctions have imposed economic restrictions on Tehran to little avail. Sanctions, international business withdrawal, and US financial pressure have had little impact on economic growth.²¹⁹ Beyond diplomacy, both Israel and the US have tried to use military pressure to influence Iran's 'cost – benefit outcomes' through continuing training exercises (similar to 'Team Spirit' between South Korea and the US) and confrontation with military operatives.²²⁰ Psychological intimidation is the primary objective of these efforts.

The following sections take the lessons learned in the 6PT and apply them to the Iranian nuclear crisis. The purpose of this is to see where similar mistakes can be avoided and what factors

²¹⁶ International Atomic Energy Agency, "Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran".

²¹⁷ Mark Fitzpatrick, "The Iranian Nuclear Crisis: Avoiding Worst-Case Outcomes," in *Adelphi Paper 398* (London: International Institute for Strategic Studies, 2008).

²¹⁸ *Ibid.*, for further discussion

²¹⁹ For an in-depth discussion on diplomacy with Iran and efforts to stymie weapons development, see Mark Fitzpatrick "Western Strategy So Far" in *The Iranian Nuclear Crisis: Avoiding Worst Case Outcomes*.

²²⁰ BBC World News, "US and Israel Launch Military Exercise," ed. BBC News (2009), available at <http://news.bbc.co.uk/2/hi/8333051.stm>.

should be focused on to ensure that negotiations with Iran and/or future cases of non-compliance do not reach a similar fate.

The domestic political environment

Domestic politics, leadership and regime survival are at the primary level as inhibitors to countering compliance crises. Willingness to negotiate in good faith rests on the regime in power. The 6PT showed the importance of motivated leadership to ensure negotiations do not become strategic conversations that strain relationships rather than restore them. Before a discussion on the complications that arise from regime survival, original motivation for weapons development needs to be considered. Evident in Chapter Three where the engaging parties can determine the incentive for acting outside legal obligations, the middle ground for resolution is more accessible; they had something to work with.²²¹ From 2003 to 2009, during the 6PT, the driving factors for Pyongyang's nuclear development were unclear. Ultimately, carrots offered did not entice the regime to forgo the programme. Moreover, limited understanding of motivations made it very difficult for the participants to suggest parameters for resolution.

Fickle negotiation strategies employed by North Korea showed how the relationship between regime survival, domestic politics and nuclear weapons development significantly impacts progress in multilateral diplomacy. From the outset of any multilateral negotiation forum these relationships at the state-level need to be determined; the more interrelated these are, the more difficult rollback will be. The Libya and Ukraine cases showed that a willing leadership was able to manipulate the domestic political environment to favour denuclearisation. North Korea

²²¹ Libya, Ukraine and North Korea during Agreed Framework negotiations, all saw the benefit of having a security policy outside of nuclear weapons. This perception helped bring the states out of international isolation.

showed how the opposite can also occur. Iran's unstable domestic political situation will be problematic for negotiations – disputed leadership and unrest in the face of questionable election processes impacts negotiations – and the government focus will be on regime survival rather than generating international support.²²²

As it stands in 2009, the Iranian nuclear programme has largely been driven by Supreme Leader Ayatollah Khamenei and his clerical leaders. Pursuit of nuclear technologies outside the NPT obligations has varying consequences for regime survival depending on whether the threat is internal or external. In North Korea there was a two-sided effect; the perceived threat was external, but the weapons programme was a great source of national pride and thus bolstered the leadership internally. In terms of regime survival, perceived threats to Iran are both internal and external. There is significant domestic opposition to the current leadership in Iran and a strong resistance movement based in France.²²³ In addition, hostile relations with states both within the region and internationally leads the religious leadership to fear its place in the power structure. Consequently, the issue is whether nuclear weapons capability, latent or otherwise, ensures survival insofar as diplomacy becomes obsolete. Efforts to persuade Iran to discontinue its programme must take into account the relationships between the clerics and government, government and voters, and voters' opinions on the weapons programme.

²²² For commentary on the 2009 Iranian elections and the impact on domestic stability, see "Preliminary Analysis of the Voting Figures in Iran's 2009 Presidential Election," ed. Ali Ansari (Chatham House and Institute of Iranian Studies, University of St Andrews, 21 June 2009). Karim Sadjadpour, "The Islamic Regime's Crackdown on Protesters," *Washington Post*, 22 June 2009. Amir Taheri, "Iran's Clarifying Election," *Wall Street Journal* 15 June 2009, <http://online.wsj.com/article/SB124502114089613711.html>.

²²³ See National Council of Resistance of Iran, "Foreign Affairs Committee of the National Council of Resistance of Iran," http://ncr-iran.org/component/option,com_frontpage/Itemid,1/.

Developments during 2009 suggest that Iran will continue to defy the non-proliferation regime – it has made little effort to follow resolutions from the UN Security Council or the IAEA Board of Governors, and it has been unwilling to agree to various offers of diplomatic engagement.²²⁴ Such behaviour is evidence that the Iranian leadership is taking control of its security situation and ensuring that the security balance in the region is not dictated by Washington.

The international political environment

U.S involvement

The international political environment surrounding the non-compliant state is important in achieving nuclear rollback. As the world's only superpower in the current international security structure, the US has significant influence not only to lead by example but also to engage with states that are in contravention of international obligations. One of the main political and strategic obstacles to cooperation in the North Korea case was the bilateral relationship between Pyongyang and Washington. The importance of US involvement in shaping the international political dynamic is not specific to North Korea's illicit weapons development; in all cases explored in Chapter Three, Washington was active in negotiations engaged in nuclear rollback. Although there were obstacles in Libya and Ukraine, the US eventually provided positive reinforcements to negotiations. With Iraq however, we can see the ultimate failure of the US to act in accordance with protocol, a move that left little room for diplomacy to resolve the issue.

²²⁴ BBC News, "Six Powers 'Disappointed' as Iran Rejects Nuclear Deal," <http://news.bbc.co.uk/2/hi/8369872.stm>. Steven Erlanger, Robert F. Worth and David E. Sanger, "Tehran Rejects Nuclear Accord, Officials Report," *International Herald Tribune*, 29 October 2009, http://www.nytimes.com/2009/10/30/world/middleeast/30nuke.html?_r=2. Ministry of Foreign Affairs Islamic Republic of Iran, "FM Criticizes Countries Casting Unjust Votes against Iran in the IAEA," <http://cms.mfa.gov.ir/cms/cms/Tehran/en/Ifrem/99881>.

There are significant ideological differences between Iran and the US – an issue that has become a sticking point and commonly cited obstacle to cooperation. Ideology drives rhetoric that tends to favour conditional cooperation or obstructive behaviour from both parties. The US takes the high moral ground, while Iran plays the defiant rebel, determined to hold onto independence and its inalienable right to nuclear technology.²²⁵ Consequently, the relationship has limited room to grow. Allowing historical wounds to worsen contributed to limited opportunities for collaboration in the 6PT and needs to be avoided at all costs with Iran and in future cases of non-compliance.

In addition, there is a somewhat similar history in the North Korea–US and Iran–US relationships. Like in Northeast Asia, Washington maintains an unwanted presence in the Middle East and has allies in the region that are Tehran’s adversaries. Washington has been highly involved in dialogue on the Iranian issue. Tehran’s participation in a multilateral dialogue is not, however, conditional on the US, as it was with North Korea. Tehran seeks to secure dominance in the Gulf region, rather than directly oppose the US due to an inherent threat perception.²²⁶ Moreover, the Bush administration’s hard-line policy towards Iran – including it in the ‘Axis of Evil’ and often discussing it with the same hostility attributed to North Korea – inhibited options for bilateral or multilateral cooperation on the nuclear issue. The US invasion of Iraq in 2003 is the most recent example of Washington exerting dominance in the Middle East. Justification for the invasion was a response to illicit weapons development, further complicating Iran’s security

²²⁵ Permanent Mission of Islamic Republic of Iran to the International Atomic Energy Agency, "Infirc/779," <http://www.iaea.org/Publications/Documents/Infircs/2009/infirc779.pdf>. See also, Ministry of Foreign Affairs Islamic Republic of Iran, "FM Criticizes Countries Casting Unjust Votes against Iran in the IAEA". Ramin Mihman-Parast, "Weekly Briefing of the Foreign Ministry Spokesman," Ministry of Foreign Affairs of the Islamic Republic of Iran (2010), <http://www.mfa.gov.ir/cms/cms/Tehran/en/NEW/611881.html>.

²²⁶ Mark Fitzpatrick, "Lessons Learned from Iran's Pursuit of Nuclear Weapons," *Nonproliferation Review* 13, no. 3 (2006).

situation. The psychological impact of the invasion has not spurred compliance from Tehran, but rather quiet belligerence. Furthermore, Tehran believes it is Washington's objective to have a maintained presence in the Middle East. This is evident in Ambassador Ali A. Salehi's address at a 2003 IAEA Board of Governors meeting: "It is no secret that the current US Administration, or at least its influential circle, entertains the idea of invasion of yet another territory, as they aim to re-engineer and re-shape the entire Middle East region."²²⁷

Normalisation of diplomatic relations with the US is an important concession to offer in nuclear diplomacy. All cases explored in this research have shown that states engaged in illicit nuclear activities have been on the periphery of mainstream international cooperation and diplomacy. Ongoing dialogue with the world's major powers opens opportunities for economic and security cooperation. Such cooperation ultimately paves the way for future compliance to avoid risking the advantages of such agreements. It is a similar logic to making the state an accountable international citizen.

Double standards

The US contributed to successful negotiations in Libya and Ukraine; thus it is clear that Washington has the capacity to contribute to non-compliance negotiations constructively. However, Washington does need to be aware of the impact that its actions in the wider nuclear industry have on efforts to address compliance issues in respect to proliferation. For example, the India-US nuclear deal in 2008 had a significant impact on the wider non-proliferation regime. It

²²⁷ Ali A. Salehi, "Statement by Amb. Ali. A. Salehi, Islamic Republic of Iran," in *IAEA Board of Governors Meeting* (Vienna: 12 September 2003).

caused many policy analysts and commentators to question the relevance of the NPT at a time when the US is able to act 'legitimately' outside its foundation principles.²²⁸ Sharon Squassoni noted that "the deal dealt a serious blow to the world's nuclear non-proliferation regime".²²⁹ As a nuclear weapons state outside of the NPT, India has long been criticised for its refusal to enter the treaty. It chose not to enter the NPT framework for reasons that are not pertinent here, but many NNWS within the NPT view nuclear cooperation with India, and other states outside of the framework, evidence of an ongoing double standard. The US is seen to be making its own judgements outside the regime, consequently undermining the collective ideals and universality of the NPT. Such actions could impact US ability to contribute constructively to negotiation forums, in particular with Iran.

Despite such actions, the Obama Administration has made a significant policy shift initiating bilateral diplomacy whilst it implores Iran to comply with Security Council and IAEA Board of Governors resolutions to stop enrichment. Since President Obama's inauguration in January 2009, Washington has made several offers of bilateral discussions or multilateral engagement on the nuclear issue, largely ignored by Tehran. In October 2009 Khamenei noted: "Every time [US negotiators] have a smile on their face they are hiding a dagger behind their back... Iran will not be fooled by the superficial conciliatory tone of the United States".²³⁰ Such animosity from Tehran will make bilateral engagement with the US difficult.

²²⁸ See Sharon Squassoni, "Missed Opportunity: Nuclear Suppliers Group," *Proliferation Analysis* (2008), <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=20448>. For further discussion, see also James Martin Center for Nonproliferation Studies, "Nonproliferation Issues Raised by US-India Nuclear Deal," *CNS Research Story*, 2 March 2006, <http://cns.miis.edu/stories/060302.htm>. George Perkovich, "Faulty Promises: The US-India Nuclear Deal," *Carnegie Endowment For International Peace Policy Outlook* 21, September (2005). Henry D. Sokolski, ed., *Gauging US-Indian Strategic Cooperation* (Strategic Studies Institute, United States Army War College, 2007).

²²⁹ Squassoni, "Missed Opportunity: Nuclear Suppliers Group".

²³⁰ As quoted in Ogilvie-White, "The Defiant States: The Nuclear Diplomacy of North Korea and Iran".

US predominance in the region suggests that it will play a critical role in preventing Iran from becoming a fully-fledged nuclear-armed state. Its presence in the region goes beyond the physical in Iraq and Afghanistan, to the political through close relationships with its allies.²³¹ There is entrenched hostility within Iran and the NAM in particular, towards Israel's undeclared nuclear weapons arsenal and the history of western ambivalence towards its existence.²³² Despite Obama's efforts at engaging Iranian leaders, however, Tehran continues to defy the international community claiming its rights under article four of the NPT.

Moulding the political culture: mediation

Effective mediation is the key component in all multilateral diplomacy. The mediator is required to do more than referee; it should facilitate, oversee confidence-building mechanisms and smooth the process as much as possible. The mediator needs to strike a balance between active involvement in the process and facilitating progress.²³³ Evident in the Six-Party process, the mediator should use its position with all parties to advance the best possible outcome. China was a successful in facilitating the Six-Party Talks – bringing together parties, some being historical adversaries, for a multilateral negotiation forum were an unprecedented achievement. Beyond this however, Beijing had the resources to induce a positive outcome but was unable to execute them in a manner that inspired continued cooperation; it was too easily influenced by the power play between Pyongyang and Washington. The ability to mould the politics towards cooperative outcomes aids the process overall.

²³¹ Saudi Arabia, UAE, and Israel in particular.

²³² Ministry of Foreign Affairs of the Islamic Republic of Iran, "Supreme Leader Outlines US-Israel Anti-Iran Plots in the Past 30 Years" (21 January 2010), <http://cms.mfa.gov.ir/cms/cms/Tehran/en/Ifrem/2610881>. Non-Aligned Movement, "Statement on the Islamic Republic of Iran's Nuclear Issue," in *15th Ministerial Conference of the Non-Aligned Movement* (Tehran: 27-30 July 2008).

²³³ Qian and Wu, "The Art of China's Mediation During the Nuclear Crisis on the Korean Peninsula".

The concern then is whether a third party or an active regional power would have a more positive impact on the outcome. In the 6PT, investment in the outcome of multilateral negotiations at the regional level led to both cooperative and obstructive actions. Immediacy of the issues has the benefit of invested interest in security and inspires swift resolution of the concerns in one's backyard. Conversely, it can lead to increased hostility focused on regional power play rather than cooperation. China's mediation in the 6PT aimed for such a swift resolution, but there were two major downfalls that stem largely from strategic calculations. First, Beijing's primary concern with North Korea's nuclear breakout was avoiding military confrontation in Northeast Asia; denuclearisation was secondary. As a result, focus on avoiding conflict, although advantageous to all parties, allowed the denuclearisation component to be avoided. Second, China was often led by its own national security concerns, impacting willingness to use leverage over Pyongyang – regime collapse in North Korea was never in Beijing's interest because of the burden a flood of refugees would have on its growing economy. Beijing ensured there was enough aid to keep the government functioning, a move that significantly affected the impact of sanctions for punishment. Furthermore, as a permanent UNSC member, China was required to vote on resolutions that condemned Pyongyang's actions, isolating the pariah state further. From this position it was difficult for China to mediate. Its own security interests versus the wider regional issues and denuclearisation made arbitration difficult.

The benefit of an impartial third-party mediator is an ability to focus purely on facilitation, mediation and resolution of the key issues. If the mediating state is outside the region, national security concerns are a non-issue; regional and international stability will be the primary

concern. The third-party mediators in non-compliance crises can be a state or an international organisation.²³⁴ The IAEA is in a position to play an instrumental role as it carries out the functions of the NPT on a daily basis. ElBaradei did take on a mediation role between Iran and the US and during discussions on fuel supply proposals.²³⁵ Unfortunately he was unable to make any significant headway, evident in Iran's continued defiance. An IAEA move into mediation will, however, take away from the traditional role of impartiality and would also require additional resources. In addition, there are concerns with the current systems in place; the referral system from IAEA Board of Governors to UN Security Council has proven ineffectual due to procedural issues within the Security Council and the lack of consistency of response to failure of states to comply with international obligations.²³⁶

Running parallel to these issues where mediation is concerned is the impact that adopting an authoritative resolution has on neutrality. China's position on the UNSC required it to forgo the image of impartiality in order to join the international community in condemning of North Korea's defiance during the 6PT. Although on its own this act has merit, Pyongyang obstructed progress and expressly defied international efforts to engage in peaceful conflict resolution; Beijing had isolated North Korea further. Where isolation is one of the primary obstacles to

²³⁴ For discussion on third-party mediation, see Jacob Bercovitch and Scott Sigmund Gartner, eds., *International Mediation: New Approaches and Findings* (New York: Routledge, 2008).

²³⁵ For an alternative discussion on mediation by international organisations see Sara McLaughlin Mitchell, Stephen C. Nemeth and Holley E. Hansen, "IO Mediation of Interstate Conflicts," *Journal of Conflict Resolution* 52, no. 2 (2008).

²³⁶ This is not the appropriate place for a discussion on the pros and cons of UNSC procedures but it is evident that lack of consistency has led some to question the validity and impact that Security Council resolutions have, particularly in the form of sanctions. Both Iran and North Korea are examples of where Security Council sanctions have had limited effect after illicit weapons development has begun. Pierre Goldschmidt has proposed a generic resolution that would go far to counter the perception that the Council is biased in its response to non-compliance issues.

progress, the position of the mediator is particularly important as it has the opportunity to promote inclusion and cooperative outcomes.

A mediator's knowledge of the history, custom and security concerns of the parties involved in a negotiation is an important key to success. An outside party without such knowledge runs the risk of limited understanding, further confounding an already-overcomplicated process.²³⁷

Lessons on mediation in the 6PT suggest that the role needs to be adopted with discretion. If the mediator is overwhelmed by national concerns beyond nuclear issues, then another regional player or third party may be better suited to the job. On the other hand, where the state is a major player in regional security, understands the complexities of the state's nuclear outbreak and can offer leverage without becoming involved in an internal power struggle, it will be best suited to mediate in cases of nuclear defiance. Furthermore, such a situation will aid the longevity of security agreements. Suggesting a mediator in the Iran case is difficult as there is no set forum to discuss the issues. Thus far, engagement has come from outside the region to little effect. There is potential for a global-level forum – an issue that will be explored further in the next chapter.

Strategic calculations:

Confidence-building measures/regional issues

It is highly unlikely that a regional forum to counter illicit nuclear development can remain exclusive to that one issue; wider regional security concerns, intra-national²³⁸ relationships and domestic concerns of the states involved will become part of the negotiations. During the 6PT it was argued that Japan's inclusion of the abductees issue significantly hindered progress on the

²³⁷ Kwei-Bo Huang, Chung-Chian Teng and Jacob Bercovitch, eds., *Conflict Management, Security and Intervention in East Asia: Third-Party Mediation in Regional Conflict* (New York: Routledge, 2008).

²³⁸ Intra-national: the relationships between nations within a region.

primary concern of nuclear development. It is only natural in a multilateral forum that the states will bring concerns to the table. If it is required to give concessions they may feel entitled to something in return, and in the regional context it is difficult to divorce issues from each other. Having many issues to work through is not the worst-case scenario in a multilateral forum, as they do give room for cooperation and middle ground to be found.

Within a multilateral dialogue, confidence-building measures (CBMs) are crucial.²³⁹ The lack of CBMs in the North Korea case proved detrimental to the outcome of the process. It was clear from the outset that a fundamental lack of trust haunted relationships between the negotiating parties - in particular, bilateral relations between Pyongyang and the other participants. Stringent CBMs at the beginning of the process would have given the states the opportunity to establish rapport and prove investment in the process and lasting peace. This is a critical step in dealing with future compliance cases – the nuclear industry often rests on trust and confidence building and is therefore an integral part of bringing a state back into compliance with its international obligations.

The regional-security dilemma seen in the 6PT and discussed above prompts the question: where illicit nuclear development has taken place and is approached through a multilateral regional forum, should a comprehensive security arrangement be the primary aim, or should state-focused thinking of resolving the issue regardless of the wider regional-security structure be the focus? Essentially, it is a decision between comprehensive regional security agreements on the one hand and a single-issue regional agreement aimed specifically at nuclear compliance on the other. The

²³⁹ For an in-depth look at CBMs see Michael Krepon, ed., *A Handbook of Confidence-Building Measures for Regional Security*, vol. 1 (Washington DC: The Henry L. Stimson Center, 1998).

first option will be difficult to achieve without advanced regional cooperation to base a comprehensive agreement on. It would only be possible in a region where historical issues can be overcome, and the states party to negotiations are all willing to contribute.

Economic incentives

Pyongyang received a sizable incentives package from China for participation in each round of the 6PT. Economic incentives were effective in bringing Pyongyang to the table but had little impact on a successful outcome. The capital supplied to North Korea was able to sustain its weapons programme. Such substantial reward before agreement is problematic; there is no requirement for cooperation on the end goal. Seen with North Korea's negotiating behaviour, continuing the process was beneficial to the Kim regime.

As previously discussed, the international community has imposed sanctions on Iran, but they have had little effect on Iran's nuclear defiance. Using economic incentives to bring a state into talks did little to inspire timely resolution of the North Korean nuclear crisis. This suggests that remuneration for cooperation in such a multilateral forum would be best suited post-agreement. Measurable steps need to be taken to justify such a substantial reward.

Conclusion

In 2006 Mark Fitzpatrick identified the motivations for Iran's weapons development as follows: achieve prestige, assert national pride and security dominance in the Gulf region.²⁴⁰ As discussed in Chapter Three, nuclear brinkmanship is used by states as leverage to gain benefits from rollback. Iran has been swinging between cooperation and defiance which makes assessing its

²⁴⁰ Fitzpatrick, "Lessons Learned from Iran's Pursuit of Nuclear Weapons".

true motivations difficult, and thus the prospects for negotiated settlement uncertain. Should a multilateral forum be established or developed further, to negotiate a denuclearisation agreement, all parties need to be acutely aware of the complexities that domestic issues and the US relationship bring to the table. The 2007 US National Intelligence Estimate predicted the end of 2009 as the earliest possible date Iran could reach weapons status; this date has been and gone and experts now conclude that should Iran seek full weapons capability, 2010–15 being a realistic estimate. This assessment may be in the near future, but it does mean there is time for diplomacy and engagement even if it is limited.

The international political environment suggests that US involvement in compliance diplomacy is a given but it is questionable whether the impact will always be positive. As the world's only superpower, the US is highly engaged in international security, particularly in regards to nuclear proliferation. In an attempt to strengthen the regime, the Obama Administration has foregone hawkish diplomacy in favour of cooperation and understanding to advance the non-proliferation agenda by engaging in disarmament dialogue and thus reaffirming principles of the NPT. Leading by example, the US is in a more suitable position in 2009 to participate in non-proliferation dialogue. However, it may not be the best state to engage with Iran. The antagonisms stretch the relationship far and appear to push Tehran towards further defiance. (This issue will be discussed in the Chapter Six.)

This chapter discussed lessons learned from assessing the 6PT, identifying the key 'watch areas' for potential multilateral engagement with Iran. Each of the major factors explored – domestic and international political environment, strategic calculations in regional engagement and CBMs

and the role of economic incentives – provide insight into potential obstructions to efforts at bringing Iran back into compliance with its NPT obligations. It is important to consider these factors, as the 2009 breakdown of the 6PT has left policymakers confounded on progress towards denuclearisation of North Korea. Successful resolution of the Iranian crisis is critical for the preservation of the non-proliferation regime and to ensure that the international community continues to work towards this ideal, rather than a world in which the power structure is again determined by these powerful weapons. Using these factors as a guideline may help identify where progress on certain issues needs to be made to foster cooperative dialogue.

CHAPTER SIX:

Theoretical Analysis: Regional Security Complex Theory and Non-Compliance Diplomacy in North Korea and Iran

“Most States have chosen to forego the nuclear option, and have complied with their commitments under the Nuclear Non-Proliferation Treaty. Yet some States view possession of such weapons as a status symbol. And some States view nuclear weapons as offering the ultimate deterrent of nuclear attack, which largely accounts for the estimated 26,000 that still exist. Unfortunately, the doctrine of nuclear deterrence has proven to be contagious. This has made non-proliferation more difficult, which in turn raises new risks that nuclear weapons will be used.”

- United Nations Secretary-General Ban Ki Moon²⁴¹

As a tool for analysis, Regional Security Complex Theory (RSCT) provides interesting insight into regional security dynamics with particular reference to power and nuclear weapons development. Using the levels of analysis discussed in Chapter Two, the framework of RSCT maps security patterns at the regional level and thus helps to explain prospects for, and the failures of, a regional approach to countering nuclear-compliance crises. Security patterns highlight threats and identify at what level central security interactions rationalise illicit weapons development and, as a result, the dominant levels for countering such developments. Motive and security practice is understood further by considering constructivist elements that effect how a security complex functions. With this we are able to focus on why regional approaches will or will not favour compliance and how security practices led to a situation where such developments were favoured as the best option.

²⁴¹ Ban Ki Moon, "Secretary-General Sg/S</11881," <http://www.un.org/News/Press/docs/2008/sgsm11881.doc.htm>.

Regional security complexes (RSCs) aid development of regional cooperation as they are durable but not permanent patterns of security; they have the advantage of being malleable.²⁴² The patterns of the complex can be used to address issues of concern, as there is no requirement that they remain fixed, nor is there the assumption that permanence would be the best option for ongoing security practice. As presented in Chapter Two, this chapter will use the RSCT levels of analysis – domestic, state, regional and global – to analyse security interaction within the region boundary, a process that further elucidates the issues discussed in Chapters Four and Five. Using RSCT, this chapter explores the security dynamics of East Asia and the Middle East to explain the nuances of each, motivations for nuclear development, why multilateral diplomacy had limited success in East Asia, and whether there opportunities in the Middle East.

It is important to note that by its very nature, nuclear weapons development draws global-level interest. The impact that weapons development has on the non-proliferation regime and security calculations of all states is considerable. This is important as RSCT determines the dominant levels of securitisation. Normally patterns of conflict stem from factors indigenous to the region; outside powers cannot (even if heavily involved) usually define, desecuritize, or reorganise the region.²⁴³ When illicit nuclear development becomes part of security structures, however, outside parties endeavour to be involved as the consequences affect the international security structure.

Northeast Asia: RSCT and the Six-Party Talks

Northeast Asia is a centred great power security complex. Regional powers participate in policy considerations, but the presence of global powers and penetration from outside powers means

²⁴² Buzan and Waever, *Regions and Powers*.

²⁴³ Ibid.

there is crossover between regional and global security dynamics.²⁴⁴ Evidenced by Russian and US participation in the 6PT, global interest in securitisation processes creates an interesting dynamic for region-based security dialogue. The nuclear dynamics in wider Asia concern global-level power structures in part because of potential for significant weapons development. In the Northeast, China and North Korea are NWS. Japan, South Korea and Taiwan are on the nuclear threshold; these states are practising recessed deterrence, with the ability to move to NWS status should US extended deterrence lose viability or the local environment become particularly threatening militarily.²⁴⁵ Contributing to advanced international interest in Asia is India and Pakistan— both are long-standing nuclear-armed states not party to the NPT. Such dynamics are important to the theory as they explain global-level interest in the 6PT, particularly Russian and US involvement in the forum.

Buzan and Weaver do not classify Northeast Asia as a distinctive regional security complex. They argue that Northeast and Southeast Asia have begun developments into an East Asian security complex.²⁴⁶ However, in terms of nuclear proliferation, the structure of the 6PT combined with key players in security and the dynamics of the Northeast are distinct from the forces that arguably combine the two complexes. Northeast Asian security practices since the end of the Cold War have been distinct from its southern counterpart.²⁴⁷ With particular reference to outside power involvement (considerably higher than in South Asia) and NPT compliance concerns, considering Northeast Asia as its own security complex has merits in explaining the 6PT. Taking Northeast Asia as a unique security complex, it can be classified on

²⁴⁴ Ibid.

²⁴⁵ Victor Cha and David Kang, *Nuclear North Korea: A Debate on Engagement Strategies*.

²⁴⁶ Buzan and Waever, *Regions and Powers*. p.128.

²⁴⁷ Kahrs, "Regional Security Complex Theory and Chinese Policy Towards North Korea".

Buzan and Waeyers' regional integration scale as a conflict formation. There is little to no integration of state security practices. As a result, the states of Northeast Asia are strongly rooted in realist ideals of state survival.

Domestic level

Exploration of the factors that contributed to the 2009 breakdown of the 6PT in Chapter Four showed that domestic politics and regime survival play a significant role in negotiating nuclear rollback. Rooted in realist notions of statehood, states in Northeast Asia are highly Westphalian and survival is paramount. As Northeast Asia is largely defined by military–political security dynamics, security considerations within a conflict formation see the pursuit of national interest trump efforts at lasting security agreements. This was evident in the 6PT and contributed to the 2009 breakdown; all parties favoured their own national economic and security concerns. In the case of North Korea; a stake in the power structure was the primary aim.

State-to-state relations and the regional level

As a region, Northeast Asia has experienced a turbulent history. Outside threats were strong during periods of colonisation by European states and even more so during the Cold War. Civil wars and political unrest plague many states in the region. Furthermore, there is little uniformity of political systems; they vary from military dictatorship to communism, to constitutional monarchy. Such disparity makes instituting cooperative security behaviour difficult. Limited history of cooperation is expounded by historical grievances between states. The issues discussed in Chapter Four are testament to the ongoing enmities in the region.

The regional powers – China, Japan, South Korea and Taiwan – were content to address regional conflicts among themselves.²⁴⁸ However, North Korea's nuclear weapons development significantly disrupts the status quo and has a significant impact on the global non-proliferation regime. The following section will address the global level of securitisation as dominant in Northeast Asia; the presence of significant global powers means the regional powers played a role in the 6PT but were unable to influence the agenda to the same degree as the global powers.

Global level

The outcome of the 6PT can be further explained by RSCT through the interplay of domestic and global-level security calculations. Power in a great-power security complex is difficult to balance due to outside interest. Russian and US activity in Northeast Asia has decreased markedly since the end of the Cold War.²⁴⁹ However, Northeast Asia still features in Russia's security calculations due to its borders with China and North Korea – it is connected to the region. At the same time, the US has used its superpower status to ensure it is part of regional security calculations.

Concerned about what a nuclear North Korea would do to the status quo, Washington became heavily involved in the Six-Party negotiations. In addition, due to geographical considerations, Moscow also became party to the process. This is partly because of its economic interests in the region – stability is crucial for maintaining functioning economies. As seen in Chapters Three and Four, the bilateral relationship between North Korea and the US had a significant impact on

²⁴⁸ See Alagappa, ed., *Asian Security Practice: Material and Ideational Influences*, Qian Cheng and Wu Xiaohui, "The Art of Mediating Regional Conflict in Asia". And Katsumata Hiro, "Why Is Asean Diplomacy Changing? From 'Non-Interference' To 'Open and Frank Discussions'" (2004).

²⁴⁹ Buzan and Waever, *Regions and Powers*.

progress of the talks. In military terms the US presence in South Korea and policy of extended deterrence with both states further exacerbates North Korea's feeling of hostility. Here we can see the beginnings of the regional and global interactions in Northeast Asia.

Washington's presence in Northeast Asia is considered primarily in terms of penetration into the region, but its role in the 6PT has bordered on superpower overlay. Penetration occurs when a global or superpower is active in regional security processes and is part of the security structure.²⁵⁰ The US role in Northeast Asia through the 6PT is not so intrusive that it equates to full overlay, but it has penetrated the region to become a decision-making factor in security calculations. The superpower dominated all areas of the talks so much that the regional players were unable to develop cooperative security patterns on their own. Taking the US out of the equation, however, would not have lessened the impact of historical enmities between the regional players, particularly because of the impact of North Korea's weaponisation on security calculations. For China and Japan, as the region-based global powers, resolving the North Korean nuclear crisis has regional and global consequences; it affects the position of each in the power structure at each level. It is impossible to separate the two levels in the 6PT due to the presence of important global powers in Northeast Asia – a factor that has developed the regional power dynamics as such.

Global and superpower interest in Northeast Asia further complicates nuclear diplomacy in relation to the 6PT as all participants are NWS states or protected by extended deterrence. As a result, to compensate for diminished capacity and bargaining power, had the 6PT reached its goals, North Korea needed to form a solid regional alliance to boost its own security. Failing

²⁵⁰ Ibid.

that, retaining weapons capability tips the balance of power to its favour. Such logic leads back to the significance of the conflict formation structure; Northeast Asia is dominated by anarchy – realist notions of survival are North Korea’s primary concern, thus limiting the potential for lasting agreement on collective security.

Applying RSCT to the 6PT, this section has argued that it is impossible to separate the regional and global levels of securitisation in Northeast Asia particularly where nuclear proliferation is concerned. As various other regional security organisations show, the states in Northeast Asia can come together and thus give the complex room to grow; uniting to discuss regional security is an important step in a policy shift to resolve collective security threats.²⁵¹

The conflict formation structure has restricted development of mutual security beyond open dialogue. There is still the possibility that Northeast Asia can develop towards a security regime – where states still treat each other as potential threats but make reassurance arrangements to reduce the security dilemma among them. The 6PT presented an opportunity for this move, using the forum as a basis to work through the nuclear and historical security enmities towards a semblance of regional cooperation. This forum has possibilities for ongoing regional dialogue should the 6PT be reengaged and there is resolution of the North Korean nuclear issue.

The Middle East

The Middle East is a standard RSC in which polarity is primarily defined by regional powers.²⁵²

As discussed in Chapter Two, Buzan and Weaver divide the Middle East into three

²⁵¹ ASEAN Regional Forum, Council for Security Cooperation in Asia–Pacific.

²⁵² Buzan and Waever, *Regions and Powers*.

subcomplexes: the Gulf, Levant and Maghreb. The Gulf is the primary complex of concern for this research. The relationship between regional powers in the Gulf and Levant are also significant as they effect securitisation of the wider region.

Domestic Level

Shown in the previous chapter, domestic drivers for nuclear development in Iran are strong. The argument for indigenous enrichment rights has been pushed by clerical leaders, President Ahmadinejad and Parliament. Furthermore, the peaceful nuclear programme is a source of national pride, and by the same logic, possession of advanced nuclear capabilities has the potential to exert Iranian influence regionally and internationally. Becoming a nuclear-armed state can also be a useful bargaining chip (as seen through efforts to resolve the North Korea nuclear crisis). In addition, domestic concerns are also important drivers to Iran's nuclear enrichment programme and are dominant factors affecting securitisation processes.

State-to-State and Regional Level

Buzan and Waever attribute the formation of the Gulf sub-complex to Britain's withdrawal from the area in 1971.²⁵³ The Gulf is centred on a triangle of hostility among Iran, Iraq, and the Gulf Arab states with Saudi Arabia as the mouthpiece. In terms of security the Gulf states²⁵⁴ have been grouped on a cooperative level through the Gulf Cooperation Council (GCC) since 1981.²⁵⁵ Common beliefs, teamed with joint threats and geographical proximity, prompted the GCC as a

²⁵³ Ibid. p.191

²⁵⁴ Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

²⁵⁵ The Cooperation Council for the Arab States of the Gulf Secretariat General, "Foundations and Objectives," <http://www.gcc-sg.org/eng/index.php?action=Sec-Show&ID=3>.

forum to confront their security challenges collectively, primarily out of fear of their neighbours.²⁵⁶

Iran has ongoing conflicts within the Gulf and wider Middle East. The classification of conflict formation is derived from strong historical patterns of enmity. Moreover, in a bid for regional superiority an advanced weapons programme can shift the balance of power through enhanced military capabilities. This would give Iran a strategic advantage. Interstate relations between Iran and its neighbours affect both political and strategic calculations for compliance. Because interstate relations in the Middle East are defined more by insecurity than security it is difficult to determine an avenue for diplomacy as the region has been plagued by a long history of hostility which continues today.

On the nuclear issue specifically, Iran's neighbours in the Gulf are duly concerned over its alleged weapons development. Furthermore, as a nuclear-armed state, Iran would significantly impact the securitisation processes of Israel, not only because of the inherent threat of a nuclear neighbour, but also as a staunch adversary in political turmoil.²⁵⁷ Domestic instability leads many to fear that Tehran may continue its developments in a bid to assert an element of control over the region. Moreover, Iran's position in the regional power structure is influenced by Israel's arsenal and Syria's alleged nuclear developments. Should the region become subject to

²⁵⁶ Buzan and Waever, *Regions and Powers*.

²⁵⁷ For Israel's response to Iranian nuclear developments, see Israel Ministry of Foreign Affairs, "Israel Responds to IAEA Reports Regarding Iran and Syria," http://www.mfa.gov.il/MFA/The+Iranian+Threat/Nuclear+threat/Israeli_response_to_IAEA_reports_20_Feb_2009. and Israel Ministry of Foreign Affairs, "Israel's Response to the Iaea Resolution Regarding Iran," <http://www.mfa.gov.il/MFA/The+Iranian+Threat/Nuclear+threat/Israels-response-to-the-IAEA-resolution-regarding-Iran-27-Nov-2009>.

mass weaponisation, based on balance of power calculations, there will be little incentive for Iran comply with its non-proliferation obligations.

As mentioned above, the Israel question further complicates regional power struggles. Tehran cites Israel's possession of nuclear weapons as illegal and a threat to Arab and Islamic states in the region;²⁵⁸ an Iranian nuclear weapons capability would reset the balance of power. Hostility over this issue removes any hope of cooperation at the regional level. The threats from Israel throughout diplomatic attempts to secure compliance have only fuelled Iran's ambitions.²⁵⁹ As a result, a hostile dialogue alternates between Tel Aviv and Tehran to use the nuclear issue to assert power in the region. Although such behaviour suggests the regional level is not the first choice for engaging multilateral diplomacy, it is a critical feature of the security environment and an important consideration in efforts to connect with the defiant state.

Global level

Using the levels of analysis in RSCT it is clear that the global level (combined with the regional) dominates securitisation in the Middle East. The resident superpower, the US, has had a long history of political and military involvement in Middle Eastern affairs. In support of Israel the US is often politically expressive in the peace process of the Arab–Israel conflict, adding to the hostility felt in Tehran. Looking specifically at Iran's compliance issues, Washington's bilateral relationship with Iran and physical presence in the region complicates Tehran's security calculations considerably. The US invasion and ongoing occupation of Iraq had a significant

²⁵⁸ Ministry of Foreign Affairs of the Islamic Republic of Iran, "Supreme Leader Outlines US-Israel Anti-Iran Plots in the Past 30 Years".

²⁵⁹ Fox News Network, "Iran Threatens Strike on Israel's Nuclear Facilities If Attacked," *World News* (25 July 2009), <http://www.foxnews.com/story/0,2933,534800,00.html>. And *Tehran Times*, "Iran Missiles Can Reach Israel Nuclear Sites," (5 March 2009), http://www.tehrantimes.com/Index_view.asp?code=190464.

impact here. In addition, the US is heavily involved in Afghanistan to the east, thus occupying two sides of the Iranian border. It is clear that due to strong superpower penetration of the regional security structure and Iran's security dilemma in relation to the US, the global level shapes the potential for multilateral diplomacy to counter illicit weapons development.

Engagement from the EU and Russia are further evidence of this. Each has attempted to provide incentives for compliance or alternatives for Iranian indigenous enrichment. These efforts use the history of global power interest in the region, as there is little possibility for a regional solution, and endeavour to offset the US position in the region and the ongoing hostility between Washington and Tehran. Some observers argue that it is important to distance the West from nuclear negotiations with Iran, as further efforts to become active in regional security only exacerbates tensions and limits prospects for diplomatic solutions. As the global level is dominant in nuclear securitisation, it is important to seek mediation outside the US with the capacity to negotiate with Tehran. As Ogilvie-White argues, "it is likely that any evidence of heavy-handed external (especially US) interference in the fragile domestic affairs of North Korea or Iran would delegitimize opposition groups and leaders, scupper negotiations and could even lead to a serious escalation of nuclear defiance."²⁶⁰

The US has penetrated into the securitisation process in the Gulf but to a lesser extent than seen in Northeast Asia. Securitisation processes in the Gulf happen in relation to the US and outside of it. As previously discussed, threats to the stability of the non-proliferation regime are global by their very nature. Because of restricted regional cooperation, actors outside the region have attempted to override rather than penetrate securitisation to bring Iran back into compliance. As a

²⁶⁰ Ogilvie-White, "The Defiant States: The Nuclear Diplomacy of North Korea and Iran".

result, it is unlikely that agreement will be reached between regional powers. What is clear is that substantial effort must be put into integrating global level securitisation and desecuritisation processes so that region-level processes are not negatively affected. The US presence makes it particularly difficult for regional engagement on the nuclear issue, but historical enmities that have shaped regional security have also left little room for development. Following the assumptions of RSCT it is clear that the global level dominates securitisation process and will be the key level for resolving the nuclear crisis.

Conclusion

Applying RSCT to non-compliance crises in Northeast Asia and the Middle East gives valuable insight into wider regional security dynamics, the dominant levels of securitisations, and as a result, what levels are important in dealing with illicit weapons development. The key reason for applicability in examining patterns of nuclear diplomacy is that RSCT accepts the durability of power politics without rejecting the possibility of international society.²⁶¹ Normally, patterns of conflict stem from factors indigenous to the region, and outside powers cannot usually desecuritize or reorganise the region. In both cases, however, global powers try. This is particularly problematic in the Middle East as global level involvement is enacted from the outside, as an invasion. In contrast, in Northeast Asia, outside powers are more involved in the outcome due to historical occupation and invitation. As a result they have penetrated security processes. The key difference in global-power penetration between the two regions can be seen most clearly in terms of integration. The US is integrated into securitisation processes in

²⁶¹ Kahrs, "Regional Security Complex Theory and Chinese Policy Towards North Korea". International society is a concept that grew out of the English School Theory and argues that states move towards cooperation as the basis for survival rather than reliance on self-help. For further discussion, see Barry Buzan, *Security: A New Framework for Analysis*.

Northeast Asia, whereas in the Middle East – and particularly in the Gulf – it is more imposing on securitisation processes.

Although the US limits the ability for regional securitisation and desecuritisation processes to develop naturally in Northeast Asia, its involvement in the six-party process was invitational and a condition for Pyongyang due to Washington's status and capacity to offer a substantial package. Consequently the superpower level was allowed to become dominant at the expense of the regional.

However, US involvement in multilateral diplomacy towards Iran is not by invitation and often unwanted. It is difficult to strike a balance between wanted Western participation and limiting superpower interest. Non-compliance for advanced nuclear technology and weapons development draws superpower concern, as does the potential threat to the global non-proliferation regime and the shift that could occur to the international balance of power if another state were to withdraw from the NPT.

As Kahrs rightly asserts, RSCT is able to avoid a narrow theoretical approach. The theory encompasses all levels of the international security system to give a comprehensive overview of security processes within a regional setting. Nuclear security issues – especially non-compliance – are driven by all levels of analysis, and to focus on one would have been inadequate. Consequently, RSCT provided a framework to the analysis of the case studies and informs diplomatic approaches to non-compliance by identifying the key levels that drive nuclear development and affect diplomatic resolutions.

CONCLUSION:

Prospects for Compliance Diplomacy, Shoring up the Non-Proliferation Regime

“I don't think any of the problems we are facing today – whether countries trying to develop nuclear weapons, countries to do more subtle approach by developing fuel cycles, the question of the physical protection of nuclear materials, the desire by terrorists to acquire these materials, the stagnation in nuclear disarmament, which creates an absolutely cynical environment. On all these issues, I don't think we can move an inch forward without putting our heads together, without working together in unity of purpose and clear understanding that we are either going to succeed together or fail together.”

- former IAEA Director-General, Mohamed ElBaradei²⁶²

Summary of findings

This thesis asked four main questions: 1. What can we learn from past diplomatic engagement to deal with nuclear compliance crises? 2. What were the main factors that contributed to the 2009 breakdown of the 6PT? 3. What does this tell us about the possibilities for multilateral diplomacy with Iran? 4. Is the region level the most appropriate to engage in nuclear diplomacy, and if not, what level is best suited?

To answer these, the first step for this thesis was to ascertain what diplomatic strategies are appropriate for dealing with nuclear non-compliance through assessment of successes and failures of compliance negotiations to develop a comprehensive historical perspective. Current strategies for dealing with non-compliance are often extemporaneous and can be informed by past efforts. Given the *ad hoc* nature of response mechanisms, an overview of RSCT gave

²⁶² Mohamed ElBaradei, "Nuclear Non-Proliferation," in *Carnegie Endowment for International Peace Forum* (Washington D.C.: November 7, 2005).

context to the structure of the international system and the levels of analysis for securitisation and desecuritisation processes.

Chapter Three dealt with lessons from past cases to deal with illicit nuclear weapons development. Analysis of nuclear diplomacy in Iraq, Libya, Ukraine and North Korea (1992–94) gave historical context to negotiation strategies used to prevent weapons proliferation. Without a set procedure to cope with such developments it was necessary to examine successes and failures to establish the parameters for debate. This chapter showed that although there are many hurdles in compliance negotiations, changing domestic psyche and the international security environment creates favourable conditions for bringing a state into compliance.

Analysis of the 6PT aimed to delve deeper into nuclear diplomacy by examining the factors that contributed to the 2009 breakdown of the talks. The primary purpose here was to discern caution areas in compliance diplomacy as a base to begin analysis of the possibilities for engagement with Iran. States practicing nuclear defiance put themselves in a precarious position within the international security structure and thus present states and international organisations with a policy and security dilemma. Chapter Four was able to shed light on the political, strategic and economic factors that contributed to the breakdown of the forum.

Strong links between domestic politics and regime survival to North Korea's nuclear programme contributed to cessation of the Six-Party Talks in 2009. There was a significant lack of political will from the North Korean camp and even stronger links to the promise of power and prestige that becoming a nuclear weapons state would bring. As a result, Pyongyang's diplomatic

strategies were often focused on maintaining an appearance of cooperation without commitment and follow-through. It was clear that domestic politics play a key role in discontinuing nuclear developments.

The North Korea–US relationship affected both the international political and the strategic environments and further contributed to domestic support for retaining nuclear weapons capability. Political efforts to curb North Korea’s weapons development were stunted by its relationship with the US. Deep-seated hostilities dominated the process and limited opportunities for progress. This created a fundamental lack of trust and ongoing strategic insecurities. Thus, diplomacy between the two states was predicated on self-interest, competing ideologies, the importance of difference and strategic calculations.

The political environment was further troubled by efforts at mediation. In its mediation role, Beijing did little to foster ongoing cooperation among the parties. Issues with China’s efforts at mediation stemmed from its own strategic calculations; fear for the potential impact of regime collapse would have on the economy meant that Beijing did what it could to support North Korean leadership. It was unwilling to use its political leverage to compel North Korea to cooperate in the 6PT. Furthermore, Beijing’s contribution to economic prosperity in North Korea through remuneration for attending Six-Party meetings restricted incentive for Pyongyang to conclude an agreement.

In addition, Chapter Four found that domestic political and strategic influences from the region contributed to the overall breakdown of the 6PT. All parties – China, Japan, North Korea,

Russia, South Korea and the US – brought their own concerns to the table. Consequently, it was difficult to reach agreement on any one issue, let alone the nuclear issue.

Chapters Four and Five found that the ability to mould the political culture is essential. Effective mediation in nuclear compliance negotiations should be adopted by a party that is willing to work towards resolution of the issues without domestic concerns overshadowing the primary aims. In the case of Iran's non-cooperation, a mediator from the global level, be it a state or an international organisation, is best suited to arbitration, as regional complexities will limit how effective a region-based mediator could be. Furthermore, the current position that Iran holds in the international political environment will make it difficult to appoint mediation, partly as a result of Tehran's lack of political will to even discuss its nuclear developments. Strategic calculations with Iran stem primarily from regional-power dynamics – an issue that was further elucidated in Chapter Six. Should a multilateral dialogue be initiated to deal with Iran's nuclear activities, confidence-building measures will be critical to alleviating the strategic environment and building the trust deficit.

Chapter Five took lessons learned in the preceding chapter to consider opportunities for multilateral diplomacy in relation to Iran's illicit nuclear activities. The discussion clearly shows the domestic political situation in Iran will create difficulties for any multilateral engagement on the nuclear issue. There are significant internal and external pressures on regime survival. Furthermore, the ferocity with which Iranian leadership clings to its nuclear programme and refusal to comply with international requests to acquiesce to agreements leads to the assumption that domestic political influences are holding strongly nuclear advancement.

Lessons learned in the 6PT were able to shed light on complications in the international political environment pertaining to Iran. The bilateral relationship between Tehran and Washington follows similar patterns as with North Korea. Ongoing hostilities plague the relationship and have restricted cooperation. It is clear, particularly when considering implications from RSCT, that the US should adopt a reserved policy, insofar as it is often perceived to exert influence over sovereign rights of Iran and potentially limit involvement in multilateral dialogue. However, this should not discount the option for use of US diplomatic might to contribute to negotiations without the perception of imposition on sovereign rights.

Application of RSCT in Chapter Six showed that securitisation processes in Northeast Asia are primarily determined by the global level because of the presence of several global powers, superpower penetration and the nuclear security dynamic in the region. In the Middle East securitisation processes are a consequence of regional calculations but are also dramatically affected by the global level. In both cases, nuclear insecurity elicited global power interest; thus, this is the level within the international security structure that can have the most impact on securitisation and desecuritisation processes in efforts to foster compliance. In Northeast Asia the regional power structure of the 6PT should theoretically benefit negotiations, as it involves the key players and levels of power that affected North Korean nuclearisation; it can address the motivating issues with all players. Analysis of the levels in the Middle East suggest that a global forum will be the most appropriate to curb Iran's illicit weapons activities.

Policy implications

This section will discuss general principles for diplomatic engagement when dealing with state non-compliance with the NPT that have derived from this thesis. These focus on the regional approach to non-compliance and multilateral dialogue more generally. Following this there is a discussion on international attitudes towards nuclear weapons.

Regional approach to non-compliance

The regional approach to tackle illicit weapons development has merit in the appropriate situations.²⁶³ The first condition that favours the regional approach occurs where there is a regional security dialogue in place. Yet this is not a very common occurrence and therefore difficult to form from nothing.

Secondly, a regional approach can be favoured where perceived security threats that drove weapons development derive from the region. This way, regional powers can instigate a security dialogue to reduce threats. Regional threats also include the presence of external powers active within the region as they significantly affect security calculations. Such a dialogue needs to have clear objectives from the beginning; for example, stringent and ongoing verification mechanisms and, if warranted, irreversible denuclearisation. Following this a decision can be made on whether cooperation on one issue has the potential to move into an ongoing regional security dialogue. Where illicit weapons development is driven by neighbourhood insecurities, a regional

²⁶³ For an alternative discussion, see 'Northeast Asia and North Korea' and 'The Middle East and Iran' in George Perkovich, "Universal Compliance: A Strategy for Nuclear Security". And for further discussion on regional proliferation dynamics, see John Simpson, "The Nuclear Non-Proliferation Regime: Back to the Future?" *Disarmament Forum: Strengthening Disarmament and Security* One (2004). Stephen M. Meyer, *The Dynamics of Nuclear Proliferation*. Saira Khan, *Nuclear Proliferation Dynamics in Protracted Conflict Regions: A Comparative Study of South Asia and the Middle East* (Canada: Ashgate, 2002). *Whither the Six Party Talks? Issues, Stakes and Perspectives*, ed. Yongjin Zhang (Auckland: New Zealand Asia Institute, University of Auckland, 2006).

approach is a viable option; it has the benefit of tackling the issue at the primary level of concern.

Thirdly, it is clear from this research that the regional option can be the base for multilateral dialogue to then incorporate the global level. A mix of global and region-level participants has added benefits of experience and expertise, combined with knowledge of the region and concentration on direct security threats. This can, however, be problematic, as the global level tends to become dominant in cases of nuclear defiance. From the outset of a regional negotiating forum it is important to determine at what level the offending state will become accountable – regional or global or both – and where lasting security arrangements are best focused for the state and region in question. This is even more difficult where the state becomes increasingly reclusive and remains committed to independence.

Multilateral diplomacy

Multilateral engagement to approach nuclear non-compliance has significant merits and is a credible option in the current international security structure.²⁶⁴ Where international procedure and authority is unable to coax defiant states into compliance, multilateral diplomacy offers a high-level forum that can deal with illicit nuclear development and security concerns, and at the same time strengthen the ongoing viability of the NPT. By its very nature multilateral diplomacy is inclusive and can open channels of communication that would otherwise be closed. At the

²⁶⁴ For alternative discussion for multilateral diplomacy and compliance, see D. Shelton, "Multilateral Arms Control," in *Commitment and Compliance: The Role of Non-Binding Norms in the International System*, ed. D. Shelton (New York: Oxford University Press, 2000). Randy Rydell and Jayantha Dhanapala, *Multilateral Diplomacy and the NPT: An Insider's Account*, ed. United Nations Institute for Disarmament Research (Stockholm: Stockholm International Peace Research Institute, 2005).

other end of the scale, there is the possibility of installing an ongoing platform for security cooperation.

It is important to note that instituting a multilateral forum to deal with non-compliance is time-sensitive. The earlier the problem is addressed the more time it allows for engaging parties to deal with illicit developments and decreases the potential of weapons development. This can also limit the potential for proliferation of technical knowledge. Limiting the spread of this technology controls its availability to potential proliferators and terrorist organisations.

The domestic security dilemma

This research showed domestic drivers for nuclear defiance play a critical role in non-compliance diplomacy. First, it is important for policymakers to discern the relationship between regime survival and weapons development. Where state leadership is reliant on weapons capability for regime survival, it is difficult to induce rollback. Negotiating parties should work towards changing the security environment internally and externally. Negotiations are strengthened where the internal environment favours denuclearisation.²⁶⁵ Domestic leadership can instigate a campaign decreasing the value of a weapons programme so that in the event that the state is brought back into compliance, domestic backlash will be limited.

Secondly, the external environment has to be shaped to reduce perceived security threats to regime survival.²⁶⁶ Reinstating diplomatic relations and developing comprehensive security arrangements will go far to limit threats felt by leaders who have chosen to defy NPT

²⁶⁵ For additional discussion, see Joel S. Wit, "The Six Party Talks and Beyond: Cooperative Threat Reduction and North Korea".

²⁶⁶ Ibid.

obligations. Nuclear weapons are not the ultimate assurance of security, and assuring domestic leadership of that opens possibilities for development of a security environment outside nuclear capabilities (an issue explored further below, in relation to changing attitudes).

Open/non-confrontational dialogue

The right to nuclear technology and the development of nuclear weapons exacerbates divisions among states, often to the detriment of cooperation. Open and non-confrontational dialogue aids cooperative behaviour from all sides.²⁶⁷ Where multilateral collaboration on the nuclear issue is able to incorporate cooperative dialogue it will lessen feelings of enforcement, and the defiant state can become party to the process. The most basic way to do this is through use of language – i.e. verification rather than inspection, seen in the Libya case. Although it is a modest feature, this small change removes feelings of imposition on sovereignty, working towards bringing defiant states back into the process. Moreover, it is a building block for continued cooperation.²⁶⁸

In addition, open cooperation is critical to the success of compliance negotiations. Diplomatic strategy is often focused on keeping cards close to your chest, but in non-compliance negotiations it is critical for parties to keep an open mind. Understanding each party's position aids development of security arrangements and limits the risk of isolating one party – a problem that has occurred in the past. Where negotiating parties can be clear about future prospects for security without weapons capability, multilateral diplomacy is strengthened. This is a difficult and arguably unlikely to be implemented, but a feature that has been missing in the past.

²⁶⁷ Bowen, "Libya and Nuclear Proliferation: Stepping Back from the Brink". John S. Park and Yeh-Chung Lu, "Peace by Piece: The Six-Party Talks and Beyond".

²⁶⁸ For alternative discussions, see Johan Jorgen Holst, "On How to Achieve Progress in Nuclear Arms Negotiations," *Security Dialogue* 16, no. 2 (1985). Druckman Daniel, "Turning Points in International Negotiation: A Comparative Analysis," *Journal of Conflict Resolution* 45, no. 4 (2001).

It is necessary to note that the element of inclusivity does not assume that negotiating parties must take a soft approach; rather that all parties are included and therefore invested in the outcomes of negotiations. A balance of soft and harder-line diplomacy is necessary. An approach that is too soft risks being taken advantage of, and will have little hope of reaching denuclearisation.²⁶⁹ A hard line tactic may have the opposite effect; it may isolate the state into insecurity that no longer favours denuclearisation either. This research has shown multilateral diplomacy must strike a balance between the two. However, it is important to note that this balance will be viable only if the offending state works towards engagement with the international community; it should not be rewarded for further insolence.

A key benefit to a multilateral forum to counter weapons development is the potential for bargaining.²⁷⁰ Advanced nuclear development and weapons capability have become a strong bargaining chip. The dynamics of the international political and strategic environments are often part of the decision to engage in illicit weapons development and thus present the logical level to approach resolution of the problem. A favourable international political environment has brought states back from the brink in the past, and altering the strategic environment is critical to make the apparent need for weapons development obsolete. Disincentives will play a major role as well. Potential proliferators need to be aware that clandestine weapons development is illegal under the NPT and will not be tolerated by the international community. The security environment should be addressed with the knowledge that nuclear weapons are not the ultimate

²⁶⁹ For further discussion, see Ogilvie-White, "The Defiant States: The Nuclear Diplomacy of North Korea and Iran".

²⁷⁰ For an alternative approach, see Deepti Choubey, "Are Nuclear Bargains Attainable?" (Washington DC: Carnegie Endowment for International Peace).

assurance of security; collective security has the potential to enhance security of all parties and is beneficial to lasting agreements.

Economic incentives

Use of economic incentives to persuade defiant states into multilateral diplomacy can be both constructive and unsuitable as a tool in diplomatic efforts to address compliance crises. Should the offending state need convincing to engage in multilateral diplomacy, economic incentives may entice state participation. It is clear, however, that overuse of this diplomatic tool can be detrimental to negotiating efforts. Remuneration and economic benefits should be used as a reward for action. This requires the offending state to take concrete action and provides reasons to see the multilateral forum, and any subsequent agreement, through.²⁷¹

The role of the superpower; bilateral relationship, possibilities and strengths

Using the role of the superpower has significant benefits but in some cases comes with a high cost. In cases where the bilateral relationship with the offending state favours engagement, the US (as the current superpower) has the capacity to contribute successfully to compliance negotiations.²⁷² But where the relationship is plagued by animosity, the US should limit involvement to avoid countering efforts made with the leadership of other parties. This is particularly true where Washington is unable to establish a dialogue of mutual respect. In the developing world in particular, feelings that the west is imposing ideals on a state with differing

²⁷¹ For an alternative discussion on economic incentives to states engaged in non-compliance, see Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East*.

²⁷² For a discussion on US policy and arms control, see George Perkovich, "Universal Compliance: A Strategy for Nuclear Security". And Joel S. Wit, "The Six Party Talks and Beyond: Cooperative Threat Reduction and North Korea".

ideologies and political systems runs the risk of continued development to spite perceived US hegemony.

*Multilateral dialogue to deal with Iran*²⁷³

To date, engagement with Iran over compliance issues have been from the outside in. The international community has imposed sanctions, made offers of enrichment and of engagement. However, Tehran has not embraced these options and remains outside of cooperation. Instituting multilateral dialogue has three main benefits. First, it brings the state in from isolation. This research showed that isolation from the international community had a significant effect on state decision to engage in covert weapons development and, consequently, on the policy shift that led to engagement through disarmament negotiations and rollback. Secondly, establishing a multilateral forum requires the offending state to become party to international arrangement. This signals the beginnings of cooperation and, over time, a willingness to abide by treaty obligations. The third benefit is accountability. An instituted multilateral dialogue is a means to measure action and encourages accountability where the state no longer abides by its obligations under the NPT.

When the political environment lends itself to a willing Tehran, instituting a multilateral dialogue with the defiant state presents an opportunity for open discussion, cooperation, and resolution of the nuclear issue. Accountability is the key point here. Iran is currently operating outside the confines of the NPT. Although Tehran continues to claim its nuclear developments are for

²⁷³ For further discussion and alternative views, see Dalia Dassa Kaye and Frederic M. Wehrey, "A Nuclear Iran: The Reactions of Neighbours," *Survival* 49, no. 2 (2007). Gawdat Bahgat, "Nuclear Proliferation: The Islamic Republic of Iran," *International Studies Perspectives* 7, no. 2 (2006). Ogilvie-White, "International Responses to Iranian Nuclear Defiance: The Non-Aligned Movement and the Issue of Non-Compliance".

peaceful purposes, it is not subject to the full-scope of IAEA verification systems nor is it cooperating with requests from the international community. A multilateral negotiation forum will open options for cooperation and methods of accountability to be established.

It is clear from this research and theoretical application that a multilateral negotiation forum to deal with Iran is best established at the global level. There are inherent difficulties with Iranian weapons aspirations stemming from the power structure in the Middle East, but there is no history of cooperation to base a forum on. Furthermore, global-power concern about Iran's activities shows there is strong interest in resolving the issue at this level.

Global change in psyche

Diplomatic efforts to counter compliance crises will continue to face considerable obstacles while nuclear weapons continue to be held in high esteem and as a promise of security.²⁷⁴ This research has been specific to non-compliance diplomacy but the problems that exacerbate efforts to induce compliance stem from the assumption that nuclear weapons bring power, prestige and security. The fact that there are still drivers for some states to engage in illicit weapons development shows the regime is fundamentally flawed. The international community, especially the nuclear weapons states, need to undertake a campaign that devalues nuclear weapons. If global attitudes cannot accept there is more to security than nuclear prowess and superiority in arms, then proliferation of nuclear weapons and technology will likely flourish. As Nina Tannenwald argues, "a prohibition regime cannot be sustained over the long haul by sheer force or coercion or physical denial. It requires an internalised belief among its participants that the

²⁷⁴ See also Cirincione, *Bomb Scare: The History and Future of Nuclear Weapons*. Marianne Hanson, "Nuclear Weapons as Obstacles to Security," *International Relations* 16, no. 3 (2002).

prohibited item is illegitimate and abhorrent and that the prohibitions apply to all.”²⁷⁵ The basic fact that nuclear weapons have not been used since World War Two is a clear indication that these weapons are only useful under an alleged promise of deterrence. In addition, new movement towards disarmament from the Obama Administration goes far to devaluing this destructive weapon. That being said, without a true and verifiable commitment from all NWS, many NNWS will continue to question the advantages of a nuclear weapons arsenal. Belief that there is an alternative to nuclear security is the beginning to action. As President Obama stated in Prague:

“Some argue that the spread of these [nuclear] weapons cannot be stopped, cannot be checked -- that we are destined to live in a world where more nations and more people possess the ultimate tools of destruction. Such fatalism is a deadly adversary, for if we believe that the spread of nuclear weapons is inevitable, then in some way we are admitting to ourselves that the use of nuclear weapons is inevitable.”²⁷⁶

The US policy shift is the beginning to changing international psyche, but it is just that, a beginning.²⁷⁷ There are still significant threats to the non-proliferation regime from state development (explored in this research) to nuclear terrorism. The NPT aimed for universality, and such ambition should be capitalised on today. Despite challenges discussed in this thesis, compliance is still the norm, and an attitudinal shift will go far in keeping it that way.

Further research

This thesis has opened possibilities for further research for dealing with non-compliance. This research applied a regional framework for analysis and has left room for exploration of

²⁷⁵ Nina Tannenwald, "The Nuclear Taboo and the Nuclear Nonproliferation Regime" (paper presented at the 2005 Carnegie Endowment Nonproliferation Conference, Washington DC, 7 November 2005), as cited in Cirincione, *Bomb Scare: The History and Future of Nuclear Weapons*.

²⁷⁶ Obama, "Remarks by President Barack Obama".

²⁷⁷ For a discussion on new disarmament dynamics, see Tanya Ogilvie-White and David Santoro, "The Dynamics of Nuclear Disarmament: New Momentum and the Future of the Nonproliferation Regime," *The Nonproliferation Review* 17, no. 1 (2010).

instituting regional-response mechanisms to NPT-compliance crises. The non-proliferation debate would be enhanced through studies on region-based security networks with a focus on nuclear compliance and use of nuclear technology for peaceful purposes within the confines of the non-proliferation regime. As compliance concerns are often focused on the nuclear fuel cycle, research into the possibilities of implementing a multilateral fuel cycle within a regional framework would be beneficial. This could open options for engagement on a wide range of nuclear issues at the region level. Further research into regional compliance and verification mechanisms has the potential to boost early-warning systems. Regional verification mechanisms could strengthen this level of cooperation.

Further research into the benefits of third-party mediation in non-compliance crises will benefit development of negotiating rollback of illicit weapons development. RSCT found the global level dominant in compliance diplomacy in the cases explored in this research. However, there is room to expand on third-party mediation in nuclear diplomacy with a focus on the position of smaller states – for example, with New Zealand, Norway and Sweden as examples of states that have been active in disarmament diplomacy in the past and have authority and respect on the nuclear issue. The theory employed in this research limited the options to cover this, but exploration of this could create an opportunity to approach compliance negotiations from a new angle.

Conclusion

This research analysed past use of diplomatic strategies to approach nuclear non-compliance and the possibilities for future engagement with states engaged in illicit nuclear development. Regional Security Complex Theory provided a new way of understanding of compliance diplomacy. Taking into account strategic calculations and power politics, along with constructivist elements that favour cooperation, RSCT allows us to determine the most appropriate levels for engagement through a holistic view of regional security complexities. The future challenge is that too many states will find benefit in developing weapons-capable technologies in contravention of NPT obligations and there will be limited resources to deal with them. Because of the nature of the technology and its destructive power, negotiating nuclear rollback is complicated, to say the least. There is no guaranteed mechanism to deal with these threats, and learning from past efforts is critical to informing future resolutions. This research has provided insight into factors that exacerbate multilateral engagement and consequently developed a starting point for mitigating potential issues that international diplomatic effort to counter compliance may face.

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